

EXHIBIT A

1 UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
2 Case No: 1:19-cv-03825(JMF)
-----x

3 JASON BOYCE,
4 Plaintiff,
5 -against-
6 BRUCE WEBER and LITTLE BEAR INC.,
7 Defendants.

-----x
8 Case No. 1:18-cv-12112
-----x

9 JOSHUA ARDOLF, ANTHONY BALDWIN,
BUDDY KRUEGER, JACOB MADDEN, and
10 JNANA VAN OIJEN,
11 Plaintiffs.
12 -against-
13 BRUCE WEBER,
14 Defendant.

-----x
15 30 Rockefeller Plaza
New York, New York
16 Thursday, September 19, 2019
17 10:06 a.m.

18 Videotaped Deposition of BRUCE WEBER,
19 a Defendant in the above-entitled action,
20 held at the above time and place, taken
21 before Dawn Matera, a Shorthand Reporter
22 and Notary Public of the State of New
23 York.

24 JOB NO. 3518433
25 PAGES 1 - 326

Bruce Weber - 9/19/2019

<p>1 APPEARANCES :</p> <p>2</p> <p>3 THE BLOOM FIRM</p> <p>Attorneys for Plaintiffs Jacob Madden</p> <p>4 and Jason Boyce</p> <p>85 Delancey Street</p> <p>5 #20</p> <p>New York, New York 10002</p> <p>(954)661-6734</p> <p>6 By: ARICK FUDALI, ESQ.</p> <p>arick@Thebloomfirm.com</p> <p>7 ANNA LEVINE-GRONINGSATER, ESQ.</p> <p>anna@thebloomfirm.com</p> <p>8</p> <p>9 -and-</p> <p>10</p> <p>11 THE BLOOM FIRM</p> <p>20700 Ventura Boulevard</p> <p>Suite 301</p> <p>12 Woodland Hills, California 91364</p> <p>13 By: SARAH BLOOM, ESQ.</p> <p>(Via Teleconference)</p> <p>14</p> <p>15 SALE & WEINTRAUB, P.A.</p> <p>Attorneys for Defendants Bruce Weber</p> <p>and Little Bear</p> <p>17 2 South Biscayne Boulevard</p> <p>One Biscayne Tower - 21st Floor</p> <p>18 Miami, Florida 33131</p> <p>(305)374-1818</p> <p>19</p> <p>20 By: JAYNE C. WEINTRAUB, ESQ.</p> <p>jweintraub@saleweintraub.com</p> <p>21 -and-</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 2</p>	<p>1 STIPULATIONS</p> <p>2 IT IS HEREBY STIPULATED AND AGREED, by</p> <p>3 and among counsel for the respective</p> <p>4 parties hereto, that the filing, sealing</p> <p>5 and certification of the within</p> <p>6 deposition shall be and the same are</p> <p>7 hereby waived;</p> <p>8 IT IS FURTHER STIPULATED AND AGREED</p> <p>9 that all objections, except as to form of</p> <p>10 the question, shall be reserved to the</p> <p>11 time of the trial;</p> <p>12 IT IS FURTHER STIPULATED AND AGREED</p> <p>13 that the within deposition may be signed</p> <p>14 before any Notary Public with the same</p> <p>15 force and effect as if signed and sworn</p> <p>16 to before the Court.</p> <p>17 * * *</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 4</p>
<p>1 APPEARANCES : (Continued)</p> <p>2</p> <p>3 SHEPPARD MULLIN RICHTER & HAMPTON LLP</p> <p>30 Rockefeller Plaza</p> <p>4 New York, New York 10112</p> <p>(212)634-3095</p> <p>5</p> <p>By: DANIEL BROWN, ESQ.</p> <p>6 dbrown@sheppardmullin.com</p> <p>7</p> <p>8</p> <p>Also Present:</p> <p>9</p> <p>Jonathan Bernstein, Little Bear</p> <p>10</p> <p>George Libbares,</p> <p>11 Videographer</p> <p>12 ~oOo~</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 3</p>	<p>1 INDEX</p> <p>2 Witness Page</p> <p>3 BRUCE WEBER 9</p> <p>4</p> <p>5</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 Plaintiffs' Page</p> <p>Exhibit</p> <p>9</p> <p>Exhibit 1 Document Bates stamped 51</p> <p>10 35658 through 35722</p> <p>11</p> <p>Exhibit 2 Document Bates stamped 104</p> <p>12 LBBW 064, 63 and 62</p> <p>13</p> <p>Exhibit 3 Document Bates stamped 121</p> <p>14 LBBW 5 through 9</p> <p>15</p> <p>Exhibit 4 Document Bates stamped 125</p> <p>16 LBBW 736 through 738</p> <p>17</p> <p>Exhibit 5 Text messages between 139</p> <p>18 Bruce Weber and David Todd</p> <p>19</p> <p>Exhibit 6 Document Bates stamped 145</p> <p>20 183 through 193</p> <p>21 Exhibit 7 Document Bates stamped 148</p> <p>LBBW 10</p> <p>22</p> <p>23 Exhibit 8 e-mails 151</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 5</p>

1 Exhibit 9 Document Bates stamped 159 35978 through 36017	1 And we are here from Epic Reporting, a 10:04:53
2	2 Veritext company. 10:04:56
3 Exhibit 10 e-mails with bottom 188 e-mail from Jason Kanner	3 Counsel will now state their 10:04:57
4 to LBI Production and Casting	4 appearances and the court reporter 10:04:58
5 Exhibit 11 Photographs 201	5 will administer the oath. 10:05:00
6	6 MR. FUDALI: For the record, 10:05:04
7 Exhibit 12 e-mails with bottom 220 e-mail from Josh Ardolf	7 before we state our appearances, this 10:05:04
8 to Bruce Weber of Sunday, May 15th, 2011	8 deposition is also being taken in the 10:05:08
9 Exhibit 13 Text messages between 223 Bruce Weber and Joshua Ardolf	9 case Joshua Ardolf, Anthony Baldwin, 10:05:11
10	10 Buddy Krueger, Jacob Madden and Jnana 10:05:13
11 Exhibit 14 Photographs 244	11 van Oijen against Bruce Weber, also in 10:05:14
12	12 the Southern District of New York, 10:05:14
13 Exhibit 15 Document Bates 253 stamped 36328	13 case number 1-18-cv-12112. 10:05:15
14	14 This is Arick Fudali with The 10:05:20
15 Exhibit 16 Document Bates stamped 258 304 to 324	15 Bloom Firm on behalf of all of the 10:05:23
16	16 Plaintiffs in both cases. 10:05:24
17 Exhibit 17 Document Bates stamped 285 37220 on first page	17 MS. LEVINE-GRONNINGSATER: Anna 10:05:27
18	18 Levine-Gronningsater of The Bloom Firm 10:05:28
19 Exhibit 18 Photographs from 289 2007 and 2011	19 on behalf of all Plaintiffs in both 10:05:29
20 Exhibit 19 e-mail from Mr. Van Oijen 302 to Bruce Weber	20 cases. 10:05:31
21	21 MS. WEINTRAUB: Jayne Weintraub 10:05:31
22 Exhibit 20 Profile page on Vimeo 305	22 on behalf of Bruce Weber and Little 10:05:33
23	23 Bear. 10:05:35
24 Exhibit 21 New York Times Article 317	24 MR. BROWN: Daniel Brown, 10:05:35
25	25 Sheppard Mullin, also for Bruce Weber 10:05:37
Page 6	Page 8
1 THE VIDEOGRAPHER: Good morning. 10:03:48	1 and Little Bear. 10:05:40
2 We are now recording and on the record 10:03:49	2 MR. FUDALI: And I believe Sarah 10:05:43
3 at 10:06 a.m. on September 19th, 2019. 10:03:51	3 Bloom is also present via phone 10:05:45
4 Please note that the microphones are 10:03:55	4 conference also on behalf of all 10:05:48
5 sensitive and may pick up whispering, 10:03:56	5 Plaintiffs. 10:05:49
6 private conversations and cellular 10:03:59	6 B R U C E W E B E R, having been first
7 interference. Please turn off all 10:04:00	7 duly sworn by Dawn Matera, a Notary
8 cell phones or place them away from 10:04:03	8 Public, was examined and testified as
9 the microphones as they can interfere 10:04:04	9 follows:
10 with the deposition audio. Recording 10:04:06	10 EXAMINATION BY MR. FUDALI: 10:05:57
11 will continue until all parties agree 10:04:08	11 Q. Good morning Mr. Weber. Please 10:05:57
12 to go off the record. 10:04:12	12 state your name for the record. 10:06:00
13 This is video 1 in the 10:04:13	13 A. Bruce Weber. 10:06:01
14 deposition of Bruce Weber taken by 10:04:14	14 Q. Good morning, Mr. Weber. My 10:06:02
15 counsel for the Plaintiff in the 10:04:17	15 name is Arick Fudali, I represent all of 10:06:04
16 matter of Jason Boyce versus Bruce 10:04:18	16 the Plaintiffs in these two lawsuits. 10:06:07
17 Weber and Little Bear Inc. filed in 10:04:22	17 Have you ever had your 10:06:09
18 the U.S. District Court, Southern 10:04:26	18 deposition taken before? 10:06:10
19 District of New York, case number 10:04:29	19 A. No. 10:06:11
20 1:19-cv-03825-JMF. 10:04:33	20 Q. I am going to go over a few of 10:06:11
21 This deposition is being held at 10:04:41	21 the ground rules, although I'm sure 10:06:13
22 Sheppard Mullin located at 10:04:44	22 you're well versed in those at this 10:06:14
23 30 Rockefeller Plaza, New York, New 10:04:46	23 point. 10:06:16
24 York. My name is George Libbares. 10:04:49	24 I am going to be asking you a 10:06:16
25 The court reporter is Dawn Matera. 10:04:51	25 series of questions. It's important that 10:06:18
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1	If you guys want to take ten	10:19:38	1	with a male model whose photograph you	10:24:23
2	minutes and talk about it, let's do	10:19:40	2	have taken?	10:24:27
3	that. Take a break.	10:19:41	3	A. No.	10:24:28
4	THE VIDEOGRAPHER: The time is	10:19:42	4	Q. Okay. Have you ever had oral	10:24:30
5	10:22 a.m., we are off the record.	10:19:43	5	sex with a male model whose photograph	10:24:32
6	(Off the record.)	10:22:24	6	you have taken?	10:24:34
7	THE VIDEOGRAPHER: The time is	10:22:25	7	MS. WEINTRAUB: Asked and	10:24:35
8	10:25 a.m., we are on the record.	10:22:28	8	answered. Are you going to go into	10:24:36
9	MR. BROWN: So while we continue	10:22:29	9	every position?	10:24:38
10	to have the objections stated that	10:22:31	10	Q. You can answer.	10:24:39
11	this is harassing and not relevant,	10:22:32	11	MS. WEINTRAUB: Objection.	10:24:40
12	without waiver of that, and we ask you	10:22:37	12	That's clearly to harass him. He just	10:24:40
13	to think about the questions and	10:22:38	13	told you he's never had sexual	10:24:42
14	whether they are directly related to	10:22:39	14	relations or sexual contact. Now you	10:24:43
15	the allegations as opposed to some	10:22:41	15	want to know about oral sex? You want	10:24:47
16	other stuff, we will allow Mr. Weber	10:22:43	16	to know about anal sex too?	10:24:49
17	to answer the last question you asked	10:22:45	17	MR. FUDALI: I assume he's going	10:24:51
18	which, if the court reporter wants to	10:22:47	18	to say no.	10:24:53
19	read it back, let's do it that way.	10:22:51	19	A. No.	10:24:54
20	MR. FUDALI: For the record, we	10:22:54	20	Q. Have you ever engaged in a	10:24:54
21	still don't waive our right to	10:22:55	21	phone call or a video call with a male	10:24:57
22	repose Mr. Weber based on the	10:22:57	22	model whose photograph you've taken in	10:25:01
23	objection to our first question, but	10:22:58	23	which that male model masturbated?	10:25:04
24	we will continue the deposition based	10:23:00	24	MS. WEINTRAUB: Objection. How	10:25:06
25	on Mr. Brown's stipulation.	10:23:02	25	could he know. It's beyond the scope	10:25:08
Page 22			Page 24		
1	(Record read.)	10:23:19	1	of his knowledge.	10:25:09
2	A. Mr. Fudali, I have never mixed,	10:23:19	2	Q. You can answer.	10:25:10
3	you know, business with pleasure like	10:23:23	3	A. No.	10:25:10
4	that. It's sort of a code like with the	10:23:25	4	Q. Have you ever masturbated on	10:25:12
5	way I always worked. So I don't know how	10:23:30	5	the phone with a male model whose	10:25:14
6	you can understand that. And I am very	10:23:35	6	photograph you had taken?	10:25:16
7	rare in the business. But that's the way	10:23:37	7	A. No.	10:25:18
8	it is. The answer is no.	10:23:38	8	Q. Have you ever kissed a male	10:25:18
9	Q. Okay. So the answer is no.	10:23:41	9	model whose photograph you have taken, on	10:25:25
10	And I'm going to -- I want to make sure I	10:23:44	10	the lips?	10:25:26
11	understand your answer. So you've never	10:23:47	11	A. On the lips, no.	10:25:27
12	had a sexual relationship with a male	10:23:50	12	Q. Have you kissed a male model	10:25:33
13	model whose photograph you had taken,	10:23:52	13	whose photograph you've taken anywhere	10:25:38
14	your answer is no?	10:23:56	14	else besides the lips?	10:25:40
15	A. Do you mind if I ask you a	10:23:57	15	A. Yes.	10:25:42
16	question?	10:23:58	16	Q. Where?	10:25:42
17	Q. I do, yes. I ask the questions	10:23:59	17	A. On his cheek.	10:25:43
18	and if you need clarification, please let	10:24:03	18	Q. Have you ever touched a male	10:25:44
19	me know.	10:24:04	19	model's penis inadvertently during a	10:25:50
20	A. Well, there is a clarification	10:24:05	20	photo shoot?	10:25:52
21	I want to make, is that not just with a	10:24:06	21	MS. WEINTRAUB: Objection.	10:25:56
22	male model or a female model, I have not	10:24:09	22	Q. That you recall.	10:25:56
23	had a sexual relationship with somebody I	10:24:12	23	MS. WEINTRAUB: Objection. The	10:25:58
24	have photographed.	10:24:15	24	question is inadvertently.	10:26:00
25	Q. Have you had any sexual contact	10:24:19	25	MR. FUDALI: Just state the	10:26:02
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1 objection. Just object to the form of 10:26:03	1 photograph you had not taken yet but did 10:27:46
2 the question, please. 10:26:05	2 eventually take? 10:27:49
3 Q. You can answer. 10:26:08	3 MS. WEINTRAUB: I am going to 10:27:53
4 A. No, not that I know of. 10:26:08	4 object to the question. 10:27:54
5 Q. Have you ever felt that you had 10:26:13	5 Q. You can answer. 10:27:55
6 to apologize to a male model for 10:26:16	6 A. No. 10:27:56
7 something that took place during a photo 10:26:17	7 Q. As part of your practice, and I 10:27:57
8 shoot? 10:26:19	8 am going to refer to your photography as 10:28:10
9 MS. WEINTRAUB: Objection. 10:26:21	9 a practice, you understand. As part of 10:28:12
10 Overbroad. Ambiguous. Can you -- 10:26:21	10 your photography practice, do you 10:28:15
11 MR. FUDALI: Okay. Jayne, 10:26:24	11 typically or consistently engage in 10:28:17
12 that's not -- do you want to take five 10:26:25	12 something that can be referred to as 10:28:19
13 minutes and you can explain to Jayne 10:26:27	13 breathing exercises? 10:28:21
14 how you are supposed to object in New 10:26:29	14 MS. WEINTRAUB: Objection. 10:28:23
15 York? 10:26:31	15 Q. Or a breathing exercise? 10:28:23
16 MS. WEINTRAUB: Stop it. Do you 10:26:31	16 MS. WEINTRAUB: Objection to the 10:28:25
17 want to look at the Madden deposition? 10:26:32	17 form. 10:28:25
18 You want to see what you were saying? 10:26:35	18 Do you understand the question? 10:28:28
19 You talked more than I did, so stop. 10:26:36	19 A. I would like you to repeat it 10:28:32
20 MR. FUDALI: Jayne, please 10:26:39	20 again, please. 10:28:34
21 object to the question. 10:26:40	21 Q. Absolutely. As part of your 10:28:34
22 Q. You can answer. 10:26:41	22 photography practice when shooting 10:28:36
23 A. Mr. Fudali, can you repeat that 10:26:41	23 photographs of models, do you ever engage 10:28:38
24 question for me. 10:26:43	24 in something that either you refer to or 10:28:40
25 Q. Absolutely. I believe the 10:26:43	25 could be referred to as a breathing 10:28:42
Page 26	Page 28
1 question is, have you ever apologized to 10:26:46	1 exercise? 10:28:44
2 a male model for something that took 10:26:47	2 A. I would say yes. 10:28:44
3 place during a photo shoot? 10:26:49	3 Q. Could you please describe the 10:28:45
4 A. I'm sure I have. 10:26:52	4 breathing exercise? 10:28:46
5 Q. Do you recall what incident led 10:26:56	5 A. Well, it's really -- it's 10:28:48
6 to that apology? 10:26:59	6 different than the way it's written about 10:28:52
7 A. Yes. Sometimes you're 10:27:00	7 in the allegations. By that I mean that 10:28:55
8 photographing people in bathing suits in 10:27:02	8 it's a relaxation exercise. And I 10:28:58
9 the dead of winter and I would apologize 10:27:04	9 usually, you know, tell them to put their 10:29:02
10 to them, I am sorry you had to wear this 10:27:06	10 hand on their forehead and I tell them to 10:29:05
11 bathing suit and it took so long to do 10:27:08	11 put their head on their chest and their 10:29:08
12 the picture. 10:27:10	12 core and their stomach and take a deep 10:29:10
13 Q. Have you ever apologized to a 10:27:10	13 breath, breathe from your stomach and 10:29:13
14 male model after a photo shoot for the 10:27:12	14 your core. 10:29:15
15 way that you touched the male model 10:27:14	15 Q. As part of this breathing 10:29:16
16 during the photo shoot? 10:27:16	16 exercise -- now that I am referring to 10:29:17
17 A. No. 10:27:17	17 the breathing exercise, you know what I 10:29:20
18 Q. Have you ever learned that a 10:27:18	18 am referring to, correct? 10:29:22
19 male model was uncomfortable with the way 10:27:24	19 A. Yes. 10:29:22
20 you touched him during a photo shoot, 10:27:27	20 Q. As part of this breathing 10:29:23
21 outside of the allegations in this 10:27:31	21 exercise, is it common for you yourself 10:29:24
22 lawsuit? 10:27:32	22 to touch the model anywhere on their 10:29:26
23 A. No. 10:27:32	23 body? 10:29:28
24 Q. Had you ever had a sexual 10:27:33	24 MS. WEINTRAUB: Objection to 10:29:29
25 relationship with a male model whose 10:27:44	25 form. 10:29:29
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8 (Pages 26 - 29)

1 Q. You can answer. 10:29:30	1 Q. Let me make sure I understand. 10:31:32
2 A. It's not common. Sometimes I 10:29:31	2 Is it your testimony that every time you 10:31:34
3 just tell them. Sometimes I tell them to 10:29:35	3 do the breathing exercise with a model, 10:31:36
4 do it themselves. And once in a while, 10:29:40	4 you first ask for permission to do it? 10:31:37
5 if they are confused, I'll put my hand on 10:29:41	5 MS. WEINTRAUB: Objection. 10:31:39
6 top of their hand or their chest or their 10:29:45	6 Mischaracterizing what he said. 10:31:40
7 stomach. It's kind of a really strange 10:29:49	7 Q. You can answer. 10:31:41
8 thing, because it's hard to do a 10:29:51	8 A. Yes, I do. I always ask them. 10:31:42
9 breathing exercise with a girl because 10:29:54	9 Q. What is the goal of the 10:31:44
10 you can't, you know, you couldn't put 10:29:56	10 breathing exercise? 10:31:49
11 your hand on her, but she can put her 10:29:58	11 A. Well, I would have to explain 10:31:50
12 hand on her chest. But the same thing 10:30:01	12 it to you, you know, if I have a minute 10:31:54
13 with a man. 10:30:03	13 to do it. 10:31:58
14 Q. Okay. Is there occasion where 10:30:04	14 Q. You can explain the goal. We 10:31:58
15 you have put your hand on the model, 10:30:12	15 have about seven hours, go ahead. 10:32:00
16 physically your hand, not on the model's 10:30:15	16 A. That's cool, okay. Many years 10:32:02
17 hand but on the model's chest during the 10:30:17	17 ago I was in Rio de Janeiro and I was 10:32:04
18 breathing exercise? 10:30:19	18 working on a book called Oh Rio, and it 10:32:08
19 A. No. 10:30:19	19 was a book I was doing for the AIDS 10:32:11
20 Q. Okay. Do you ever move your 10:30:21	20 Resource Center in New York City, and I 10:32:13
21 hand around the body of a model during 10:30:22	21 got to photograph and spend time with 10:32:15
22 the breathing exercise? 10:30:25	22 Rickson Gracie and his father as the 10:32:18
23 A. No. That wouldn't be 10:30:29	23 Gracie Jiu-Jitsu gym. And Rickson is 10:32:21
24 beneficial. 10:30:31	24 really the first person who really sort 10:32:25
25 Q. So if I am understanding your 10:30:31	25 of taught you about breathing and using 10:32:27
Page 30	Page 32
1 description of the breathing exercise 10:30:33	1 it, not just for exercise, but a 10:32:31
2 correctly, and please correct me if I'm 10:30:35	2 presence, and it really helped me a lot 10:32:32
3 wrong, your description is, if anything, 10:30:37	3 in my work and it helped me just with 10:32:34
4 you put your hand on the male model and 10:30:40	4 myself. 10:32:36
5 guide the male model's hand, is that 10:30:42	5 So that's how it sort of 10:32:37
6 correct, on his own body? 10:30:45	6 started. 10:32:38
7 A. No, I put it where it's 10:30:46	7 Q. Okay. And what is the ultimate 10:32:40
8 singularly placed, like the forehead, 10:30:49	8 goal? When you're doing the breathing 10:32:44
9 their chest, their core and their 10:30:53	9 exercise with a male model or any model, 10:32:46
10 stomach. 10:30:55	10 what is the goal of the breathing 10:32:48
11 Q. And do you tell them anything 10:30:55	11 exercise for you? 10:32:49
12 during this exercise? 10:30:58	12 A. The ultimate goal is for them 10:32:50
13 MS. WEINTRAUB: Objection to 10:31:01	13 to just to really forget about themselves 10:32:52
14 form. 10:31:01	14 and to connect to themselves. 10:32:57
15 Q. Do you tell the model anything 10:31:01	15 Q. During the breathing exercise 10:32:59
16 during this breathing exercise? 10:31:03	16 do you ever on occasion put the model's 10:33:02
17 A. Well, first of all, I ask them 10:31:04	17 hand on your own chest? 10:33:04
18 if they are okay. I explain it. And I 10:31:06	18 A. No, because it wouldn't be very 10:33:05
19 ask them if they are okay with that. And 10:31:09	19 beneficial for them. 10:33:11
20 sometimes they say yes. Sometimes, you 10:31:11	20 Q. And why is that? 10:33:12
21 know, a gentleman will say no, I am not 10:31:14	21 A. Well, because it's not about 10:33:13
22 into that or whatever. But if they say 10:31:18	22 me. It's really about them. 10:33:15
23 yes, then I would say to them, you know, 10:31:21	23 Q. Have you ever done the 10:33:16
24 just really relax and, you know, and feel 10:31:24	24 breathing exercise with a model over the 10:33:20
25 your own presence, your own energy. 10:31:28	25 phone? 10:33:22
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1 A. No. 10:33:23	1 referring to the breathing exercise? 10:35:12
2 Q. Have you ever done the 10:33:25	2 A. Not that I can remember. 10:35:13
3 breathing exercise via video Skype or 10:33:27	3 Q. When you asked for permission 10:35:14
4 video conference call? 10:33:29	4 to do the breathing exercise, has any 10:35:24
5 A. No. 10:33:33	5 model said to you no? 10:35:26
6 Q. There would be no point to 10:33:33	6 A. I mean I can't remember an 10:35:28
7 that, correct? 10:33:34	7 instance, but I'm sure there has been 10:35:34
8 A. That would be pretty hard. 10:33:35	8 somebody, you know, who said I just don't 10:35:37
9 Q. Is the breathing exercise best 10:33:37	9 like to do yoga or I don't go to a yoga 10:35:41
10 done when you are alone with a model? 10:33:41	10 class or something like that. 10:35:46
11 A. Well, it would be very, very 10:33:43	11 Q. So it's possible a model told 10:35:47
12 difficult to do it, let's say, if there 10:33:49	12 you no, you just have no specific 10:35:59
13 are a lot of people around and people 10:33:54	13 recollection, do I understand you 10:36:01
14 were talking on their cell phones and 10:33:55	14 correctly? 10:36:02
15 doing all kinds of stuff. It's best to 10:33:57	15 MS. WEINTRAUB: Objection. 10:36:02
16 do it where it's quiet, yes. 10:33:59	16 A. I'm sorry, I just don't 10:36:03
17 Q. Do you ever delegate a 10:34:01	17 remember. 10:36:08
18 breathing exercise to an assistant or 10:34:04	18 Q. That's fine. I probably should 10:36:09
19 someone else? Say I am going to do a 10:34:07	19 have stated this before, I don't want you 10:36:11
20 breathing exercise with this person, I am 10:34:09	20 to guess to anything in this deposition. 10:36:13
21 going to take a break? 10:34:11	21 That was my fault, I should have 10:36:14
22 A. I do, but differently than the 10:34:12	22 addressed that during the rules. Please 10:36:16
23 way you explained it. 10:34:14	23 don't guess. Please don't speculate. If 10:36:18
24 Q. How do you do that? 10:34:15	24 you don't recall, just tell me you don't 10:36:19
25 A. Well, let's say when we were 10:34:16	25 recall. 10:36:21
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1 doing the Abercrombie & Fitch, we had an 10:34:18	1 A. Okay. 10:36:21
2 acting teacher there who believed in this 10:34:22	2 Q. Or if you're about to make an 10:36:22
3 process, so she would do it with them. 10:34:25	3 educated guess, please just let me know 10:36:24
4 And we had a dance instructor, 10:34:26	4 that it's going to be an educated guess. 10:36:26
5 choreographer, and he would do it with 10:34:29	5 Thank you. 10:36:28
6 them. So I would probably say it to 10:34:31	6 Is it common in your practice 10:36:29
7 them. Those are the people I would say 10:34:33	7 as a photographer to be alone with a 10:36:33
8 it to. 10:34:34	8 model during a photo shoot? When I say 10:36:36
9 Q. Has any model ever complained 10:34:36	9 alone, I mean just you and the model, no 10:36:40
10 to you about the breathing exercise, it 10:34:38	10 assistants, no one else? 10:36:42
11 made them uncomfortable or something 10:34:42	11 A. Oh, yes. 10:36:43
12 along those lines? 10:34:43	12 Q. By the way you said, oh, yes, 10:36:49
13 MS. WEINTRAUB: Objection to the 10:34:45	13 will lead me to the next question. Is 10:36:51
14 form of the question. 10:34:47	14 that something fairly common in your 10:36:53
15 Q. You can answer. I can rephrase 10:34:48	15 practice as a photographer? 10:36:55
16 it if you would like or repeat it. 10:34:51	16 A. I think it is for most 10:36:56
17 A. No, that's okay. I understand 10:34:53	17 photographers. 10:36:58
18 it. 10:34:55	18 Q. Would you say that the majority 10:36:58
19 I think, for me, they might 10:34:55	19 of your photo shoots take place -- 10:37:00
20 say, I don't know, I don't feel anything. 10:35:00	20 MS. WEINTRAUB: Objection to the 10:37:02
21 It's not helping me. 10:35:01	21 form of the question. 10:37:02
22 Q. Aside from them stating to you 10:35:03	22 MR. FUDALI: I haven't even 10:37:03
23 that it's just not helping them or it's 10:35:05	23 asked the question, how can you object 10:37:04
24 not working, has anyone ever complained 10:35:07	24 to the form of it? 10:37:06
25 that it made them uncomfortable, 10:35:10	25 Q. Would you say that the majority 10:37:07
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Page 37	

<p>1 Q. 205 Hudson, what's that? 11:08:58</p> <p>2 A. That's where my archives are. 11:08:59</p> <p>3 And where we store things, equipment and 11:09:01</p> <p>4 things like that. And we also have a 11:09:05</p> <p>5 small room which has really beautiful 11:09:07</p> <p>6 natural light, which is like a small 11:09:09</p> <p>7 photo studio. 11:09:12</p> <p>8 Q. And you take pictures at 11:09:13</p> <p>9 205 Hudson at well? 11:09:17</p> <p>10 A. Yes. 11:09:18</p> <p>11 Q. Do any employees of Little Bear 11:09:19</p> <p>12 work at 205 Hudson? 11:09:21</p> <p>13 A. Yes. 11:09:22</p> <p>14 Q. So let's go back to a test 11:09:23</p> <p>15 shoot, and I apologize, I went on a 11:09:26</p> <p>16 little tangent there. Could you describe 11:09:28</p> <p>17 for me -- so describe for me again, what 11:09:29</p> <p>18 is a test shoot? 11:09:31</p> <p>19 A. A test shoot is when you meet 11:09:32</p> <p>20 somebody and you want to photograph them 11:09:34</p> <p>21 and see how they are in front of the 11:09:36</p> <p>22 camera or just see how the camera feels 11:09:37</p> <p>23 about them. 11:09:40</p> <p>24 Q. And is there a term in your 11:09:40</p> <p>25 industry called a go-see? 11:09:44</p> <p style="text-align: right;">Page 74</p>	<p>1 Q. We discussed what a campaign 11:10:39</p> <p>2 shoot is. And I believe that's, I 11:10:40</p> <p>3 referenced an Abercrombie & Fitch shoot 11:10:43</p> <p>4 where there is a lot of models present 11:10:46</p> <p>5 and you're kind of walking around taking 11:10:47</p> <p>6 photographs for a specific campaign, 11:10:49</p> <p>7 right? 11:10:50</p> <p>8 A. Right. 11:10:50</p> <p>9 Q. Is there a time when either a 11:10:51</p> <p>10 fashion house or a periodical or a 11:10:55</p> <p>11 magazine will hire you to take an 11:10:58</p> <p>12 individual shot of someone so that it's 11:11:00</p> <p>13 just you and a model, but you're doing it 11:11:02</p> <p>14 for a specific entity? 11:11:04</p> <p>15 MS. WEINTRAUB: Objection. 11:11:06</p> <p>16 Q. Does that -- do you understand 11:11:07</p> <p>17 my question? 11:11:08</p> <p>18 A. Yes. 11:11:08</p> <p>19 Q. Okay. What would that be 11:11:09</p> <p>20 called? Is that also a campaign? 11:11:10</p> <p>21 A. You would never be alone 11:11:12</p> <p>22 campaign shooting. 11:11:16</p> <p>23 Q. But is there an occasion when 11:11:17</p> <p>24 say -- and this is a hypothetical, so you 11:11:19</p> <p>25 can clarify. But is there a situation 11:11:22</p> <p style="text-align: right;">Page 76</p>
<p>1 A. Yes. 11:09:47</p> <p>2 Q. What is a go-see? 11:09:47</p> <p>3 A. A go-see is more like an 11:09:50</p> <p>4 interview to take a look at their 11:09:52</p> <p>5 portfolio. Sometimes you do photographs 11:09:54</p> <p>6 then. You do a test. Or sometimes you 11:09:57</p> <p>7 don't. 11:09:59</p> <p>8 Q. Okay. Is a go-see similar to a 11:10:00</p> <p>9 test shoot? 11:10:03</p> <p>10 A. No, it's different. 11:10:04</p> <p>11 Q. So a go-see does not always 11:10:06</p> <p>12 involve photographs, is that true? 11:10:08</p> <p>13 A. Exactly. 11:10:09</p> <p>14 Q. It can though? 11:10:10</p> <p>15 A. Sure. 11:10:12</p> <p>16 Q. When you do a go-see, is it 11:10:13</p> <p>17 typically just you and the model alone? 11:10:16</p> <p>18 A. No, it's typically, maybe it 11:10:19</p> <p>19 might be one of my casting girls, because 11:10:23</p> <p>20 I would like them to be there, because 11:10:26</p> <p>21 they are also, you know, kind of 11:10:27</p> <p>22 organizing that kind of situation and 11:10:29</p> <p>23 talking to the people we're working for. 11:10:33</p> <p>24 And usually, probably one or two of my 11:10:35</p> <p>25 assistants. 11:10:38</p> <p style="text-align: right;">Page 75</p>	<p>1 say where V Magazine will say we want to 11:11:25</p> <p>2 do a spread of one model for our 11:11:28</p> <p>3 magazine. Can you provide us that? Is 11:11:31</p> <p>4 that a scenario that has occurred in your 11:11:32</p> <p>5 career? 11:11:35</p> <p>6 A. I think so. But that wouldn't 11:11:35</p> <p>7 dictate to me that I was going to be a 11:11:38</p> <p>8 alone with that person. 11:11:41</p> <p>9 Q. When I say alone, I mean no 11:11:42</p> <p>10 other models. Perhaps your assistants 11:11:43</p> <p>11 and lighting and wardrobe. When I say is 11:11:45</p> <p>12 there a situation when an entity will 11:11:47</p> <p>13 hire you to do a campaign shoot of just 11:11:49</p> <p>14 one model? 11:11:53</p> <p>15 A. Well, it wouldn't be a campaign 11:11:53</p> <p>16 shoot, first of all. 11:11:57</p> <p>17 Q. What would that be called? 11:11:58</p> <p>18 A. That would be called an 11:11:59</p> <p>19 editorial sitting. 11:12:01</p> <p>20 Q. Got it, thank you. 11:12:02</p> <p>21 MR. FUDALI: Let's take a quick 11:12:11</p> <p>22 five-minute restroom break. 11:12:12</p> <p>23 THE VIDEOGRAPHER: The time is 11:12:13</p> <p>24 11:15, we are off the record. 11:12:15</p> <p>25 (Off the record.) 11:12:16</p> <p style="text-align: right;">Page 77</p>

1 understand. I'll rephrase the 11:32:05	1 be. 11:34:25
2 question. I just want to get a 11:32:07	2 Q. Do you recall where you met 11:34:25
3 concrete answer so I understand it. 11:32:10	3 Mr. Boyce for the first time in person? 11:34:28
4 Q. Is it your testimony that there 11:32:12	4 A. I met him in front of -- it was 11:34:30
5 has never been any time during a solo 11:32:14	5 Christmastime, and I was shopping at 11:34:35
6 photo shoot, just you and the model, 11:32:16	6 Tiffany's. And I met him in front of 11:34:38
7 where you have touched the model 11:32:21	7 Tiffany's or in Tiffany's. 11:34:46
8 physically? 11:32:22	8 Q. What was the circumstance of 11:34:48
9 A. Maybe we shook hands. I mean, 11:32:23	9 why you were meeting Mr. Boyce in front 11:34:49
10 you know. 11:32:25	10 of the Tiffany's? 11:34:50
11 Q. Is that the only occasion that 11:32:25	11 A. His agent, Jason Kanner, called 11:34:51
12 you can think of? 11:32:27	12 me and asked me if I would do him a favor 11:34:55
13 MS. WEINTRAUB: Objection. 11:32:28	13 and see him and take his photograph as a 11:34:58
14 Q. You can answer. 11:32:28	14 favor to him. 11:35:03
15 A. You know, I'm sorry, I can't 11:32:29	15 Q. Okay. Prior to you agreeing to 11:35:03
16 remember. I have been doing it a long 11:32:32	16 meet Mr. Boyce in front of the Tiffany's, 11:35:07
17 time, you know. 11:32:34	17 had you seen any picture of Mr. Boyce? 11:35:10
18 Q. Do you recall if during any 11:32:35	18 A. I can honestly say that no, I 11:35:13
19 type of -- well, let me go back. 11:32:49	19 hadn't remembered all of the pictures and 11:35:22
20 When I use the word "photo 11:32:52	20 all of the stuff he'd sent me until we 11:35:25
21 shoot," I am referring to any of the 11:32:54	21 started working on the case. 11:35:28
22 above, test shoot, go-see, campaign, 11:32:56	22 Q. Okay. So am I correct that 11:35:29
23 editorial, casting. Can we agree on 11:32:59	23 when you met him in 2014, you did not 11:35:31
24 that? 11:33:02	24 have any pictures of Mr. Boyce in mind as 11:35:33
25 A. Yes, we can. 11:33:02	25 to who you were about to meet? 11:35:35
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1 Q. So I don't have to keep listing 11:33:03	1 A. Well, I did right at that 11:35:37
2 all of those. Is there a time during any 11:33:04	2 moment, because Jason sent me a lot of 11:35:39
3 photo shoot that you recall where a model 11:33:07	3 pictures. 11:35:41
4 walked out of the room because he was 11:33:11	4 Q. So right before meeting him, 11:35:41
5 offended or something along those lines? 11:33:13	5 you reviewed pictures that Mr. Kanner 11:35:43
6 A. Not that I can remember. 11:33:15	6 sent you? 11:35:45
7 Q. Has a model ever attacked you 11:33:19	7 A. Yes. 11:35:46
8 physically, like in anger? 11:33:28	8 Q. When you reviewed those 11:35:46
9 A. No. 11:33:30	9 pictures prior to meeting Mr. Boyce, did 11:35:47
10 Q. Has a model ever thrown a chair 11:33:31	10 you think that he may be someone that you 11:35:50
11 at you? 11:33:33	11 would be interested in shooting for a 11:35:52
12 A. No. 11:33:34	12 photo shoot? 11:35:54
13 Q. Do you recall a person by the 11:33:34	13 A. I hadn't met him, so I didn't 11:35:54
14 name of Jason Boyce? 11:33:47	14 know what he was like personally. But 11:36:01
15 A. Yes, I do. 11:33:48	15 visually, he wasn't particularly the kind 11:36:04
16 Q. Do you have an independent 11:33:52	16 of guy that I usually photograph. 11:36:07
17 recollection of shooting Mr. Boyce? 11:33:54	17 Q. And why is that? 11:36:08
18 A. Yes. 11:33:57	18 A. Well, because he sort of 11:36:09
19 Q. Do you recall when you first 11:33:59	19 reminded me a little bit of say a German 11:36:11
20 met Mr. Boyce in person? 11:34:02	20 officer in World War II in a movie. 11:36:15
21 A. In person I met him, I believe, 11:34:05	21 Q. That's very specific. How did 11:36:21
22 it was in December 2015, I believe. 11:34:10	22 that compare to the type of models you do 11:36:22
23 Q. If I asked you if it was in 11:34:17	23 usually shoot? 11:36:25
24 2014, would that -- 11:34:22	24 A. Well, they don't look so cold 11:36:25
25 A. It might be, yeah. It might 11:34:23	25 in their eyes. 11:36:28
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1 Q. And were you able to judge the 11:36:30	1 Q. Was the goal of the meeting in 11:38:16
2 coldness in his eyes from the photographs 11:36:33	2 Tiffany's to see him in person and decide 11:38:17
3 that Mr. Kanner sent you prior to your 11:36:35	3 if he's someone that you want to shoot? 11:38:20
4 meeting in front of Tiffany's? 11:36:37	4 MS. WEINTRAUB: Objection. 11:38:22
5 A. Well, I had only seen pictures 11:36:38	5 That's not what he said. 11:38:22
6 of his modeling time, let's say, you 11:36:40	6 MR. FUDALI: What is the 11:38:23
7 know, like he'd send me a picture to 11:36:44	7 objection to that question? 11:38:23
8 remind me of who I was going to see, 11:36:49	8 MR. BROWN: You're assuming 11:38:25
9 because I would get a lot of photographs. 11:36:50	9 facts that there was a goal. 11:38:26
10 Q. Despite your thought that he 11:36:53	10 MR. FUDALI: Okay. 11:38:28
11 appeared to be a German officer -- 11:36:54	11 Q. Was this meeting accidental? 11:38:30
12 MS. WEINTRAUB: Objection. 11:36:58	12 Did you bump into Mr. Boyce and say, hey, 11:38:34
13 Q. -- you still agreed to meet 11:36:58	13 I recognize you from Jason Kanner's 11:38:36
14 with him, correct? 11:37:00	14 photos? 11:38:38
15 MS. WEINTRAUB: Objection to the 11:37:01	15 A. No. 11:38:39
16 question, and I am going to ask you to 11:37:01	16 Q. You went there purposely to 11:38:39
17 rephrase that. He did not say that he 11:37:03	17 meet with Mr. Boyce? You met with 11:38:41
18 thought he appeared to be a German 11:37:04	18 Mr. Boyce on purpose? 11:38:43
19 officer. 11:37:08	19 A. No, I was there at Tiffany's 11:38:44
20 MR. FUDALI: I did not say that. 11:37:08	20 buying a Christmas gift for my aunt. And 11:38:46
21 I was not insinuating that Mr. Weber 11:37:10	21 I was frustrated because I couldn't find 11:38:49
22 thought that Mr. Boyce was a German 11:37:13	22 something that I thought she would like. 11:38:50
23 officer in World War II. 11:37:15	23 And I knew I was going to be there. And 11:38:52
24 Q. Despite as you described that 11:37:19	24 he called me and I just wanted to get it 11:38:58
25 Mr. Boyce did not fit the look of the 11:37:22	25 going, you know. And it was specifically 11:39:01
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1 models that you typically shoot, you 11:37:24	1 to just to say hello, introduce myself, 11:39:05
2 still agreed to meet Mr. Boyce in front 11:37:26	2 in real life, and for him too. And for 11:39:07
3 of Tiffany's, correct? 11:37:28	3 me to say, hey, listen, maybe you should 11:39:11
4 A. As a favor to Jason Kanner. 11:37:29	4 bring this to the shooting and maybe 11:39:14
5 Q. Why were you doing a favor for 11:37:31	5 bring that to the shooting. And I think 11:39:16
6 Jason Kanner? 11:37:33	6 you would look good in like a dark shirt. 11:39:18
7 A. Because he's an agent that I 11:37:34	7 Q. So prior to meeting Mr. Boyce 11:39:21
8 have known a long time. But only 11:37:35	8 in front of Tiffany's, was there already 11:39:23
9 business-wise, not personally. And I had 11:37:37	9 a scheduled shoot that you were going to 11:39:25
10 just done a couple of shootings. One was 11:37:42	10 do with Mr. Boyce? 11:39:28
11 for Barney's. One was for Versace, where 11:37:46	11 A. Well, yes, I told him I would 11:39:29
12 he got me really, really good guys to 11:37:49	12 do it. 11:39:31
13 make a lot of money because these places 11:37:53	13 Q. Okay. So let me make sure I 11:39:31
14 don't really pay very much anymore. 11:37:55	14 understand. So the favor to Mr. Kanner 11:39:34
15 Q. Was Jason Kanner, to your 11:37:57	15 was not necessarily the meeting at 11:39:35
16 understanding, fond of Jason Boyce as a 11:37:59	16 Tiffany's. The favor to Mr. Kanner was 11:39:37
17 model? 11:38:01	17 shooting Mr. Boyce, correct? 11:39:39
18 MS. WEINTRAUB: Objection. 11:38:03	18 A. That's right. 11:39:40
19 A. I think he believed in him, 11:38:04	19 Q. And as preemptively before 11:39:41
20 sure. 11:38:05	20 shooting Mr. Boyce, you thought it would 11:39:44
21 Q. And so what was the goal, in 11:38:08	21 be a good idea to meet him at Tiffany's; 11:39:46
22 your mind, of that meeting in front of 11:38:10	22 is that correct? 11:39:49
23 Tiffany's? 11:38:13	23 A. Yeah. It would be helpful for 11:39:49
24 MS. WEINTRAUB: Objection. 11:38:13	24 me to really see what he should wear. 11:39:50
25 MR. FUDALI: I'll rephrase that. 11:38:14	25 And maybe have a thought about how I 11:39:53
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1 would photograph him. And just hear his 11:39:54	1 his look that you did not like at that 11:41:22
2 voice, you know, to get to know him. To 11:39:56	2 time? 11:41:24
3 know what kind of person he was. 11:39:58	3 A. Well, I remember the light in 11:41:24
4 Q. Was any part of the meeting at 11:40:00	4 front of the jewelry store at that time 11:41:29
5 Tiffany's for you to say perhaps, no, 11:40:01	5 because it was like sort of like around 11:41:33
6 this guy is not the right look? Like 11:40:05	6 2 something and it was the winter. And I 11:41:35
7 could you have canceled the shoot after 11:40:07	7 remember that he -- it was windy and we 11:41:37
8 meeting Mr. Boyce? 11:40:08	8 were kind of both cold. And I just felt 11:41:43
9 A. Well, if I had gotten really 11:40:09	9 like I was really happy that I met him. 11:41:46
10 ill or something, I could. 11:40:12	10 It helped me, you know, to understand 11:41:48
11 Q. You had the ability or the 11:40:14	11 that he was like a good person. 11:41:50
12 authority to cancel the shoot after 11:40:15	12 Q. Seeing him in person, did you 11:41:52
13 meeting Mr. Boyce at the Tiffany's, 11:40:16	13 like his look better than when you viewed 11:41:55
14 correct? 11:40:19	14 it just in photographs? 11:41:56
15 MS. WEINTRAUB: Objection. 11:40:19	15 A. Yes, definitely. 11:41:57
16 Q. You can answer. 11:40:19	16 Q. Do you recall how long after 11:41:59
17 A. I wouldn't promise somebody 11:40:20	17 the Tiffany's meeting you had, the photo 11:42:05
18 that I would do the pictures and then let 11:40:24	18 shoot took place? 11:42:13
19 them down. 11:40:28	19 A. Within the next two or three 11:42:14
20 Q. But if you did decide not to 11:40:28	20 days. 11:42:16
21 shoot Mr. Boyce, you had the authority to 11:40:29	21 Q. And how would you, according to 11:42:16
22 cancel that shoot, correct? 11:40:31	22 our definition chart, how would you 11:42:18
23 MS. WEINTRAUB: Objection. He's 11:40:32	23 classify the photo shoot? Was it a test 11:42:20
24 asked and answered that. 11:40:34	24 shoot, a go-see, something in between? 11:42:21
25 MR. FUDALI: He has not answered 11:40:34	25 A. No, it was just that I was 11:42:23
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1 that. 11:40:35	1 doing portraits. It wasn't a test shot. 11:42:24
2 MS. WEINTRAUB: He did, two 11:40:35	2 Q. So that's a new one. You said 11:42:28
3 times. 11:40:37	3 you were doing portraits of him? 11:42:30
4 A. I would have done it anyway, 11:40:37	4 A. Yes. 11:42:31
5 even if I didn't want to. 11:40:38	5 Q. Is that different from a 11:42:32
6 Q. I understand you would have 11:40:40	6 go-see? 11:42:34
7 done it even if you didn't want to. My 11:40:43	7 A. Completely, yes. 11:42:34
8 question is not whether you would have, 11:40:44	8 Q. How so? 11:42:35
9 my question is whether you had the 11:40:46	9 A. Because he wasn't coming to ask 11:42:36
10 authority to cancel a photo shoot. 11:40:46	10 me for a job. There wasn't a job like in 11:42:39
11 A. No, I didn't have the 11:40:49	11 discussion between me, him and his agent. 11:42:43
12 authority. 11:40:50	12 Q. Would you describe a go-see as 11:42:49
13 Q. You did not. Okay. 11:40:50	13 a model asking you for a job? 11:42:51
14 Did Mr. Boyce leave any 11:40:59	14 A. Well, he would be there for a 11:42:53
15 impressions on you that you recall during 11:41:00	15 specific job. 11:42:57
16 that Tiffany's meeting? 11:41:02	16 Q. Is a go-see sort of a like a 11:42:58
17 A. Mm-mmm. 11:41:03	17 job interview? 11:43:01
18 Q. Yes? You have to answer yes. 11:41:04	18 A. Yes. 11:43:02
19 A. Yes. It's a yes, sorry. 11:41:06	19 Q. So a go-see, there may not be 11:43:02
20 Q. What were those impressions or 11:41:07	20 photographs taken, correct, I think we 11:43:11
21 that impression? 11:41:09	21 established that? 11:43:12
22 A. He seemed like a nice man and, 11:41:10	22 A. Yes. 11:43:13
23 you know, I thought he had like a nice 11:41:16	23 Q. A portrait session, is there a 11:43:13
24 persona about him. 11:41:19	24 portrait session, is that a good word for 11:43:16
25 Q. Okay. Was there anything about 11:41:21	25 it? 11:43:18
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<p>1 Q. At any time did you tell 12:01:16 2 Mr. Kanner or Mr. Boyce that you would be 12:01:21 3 asking Mr. Boyce to pull down his 12:01:25 4 underwear during the photo shoot? 12:01:28 5 A. No. 12:01:29 6 Q. At any time during this 12:01:32 7 portrait session did Mr. Boyce appear 12:01:45 8 nervous or shy to you? 12:01:47 9 A. No. 12:01:48 10 Q. So there would have been no 12:01:53 11 need to do the breathing exercise, 12:01:55 12 correct? 12:01:56 13 A. Well, no, I just -- A, I didn't 12:01:56 14 have the time. I didn't want to, because 12:01:59 15 I really had to go back to work. And 12:02:02 16 also I don't think he really needed it. 12:02:04 17 He does that kind of stuff with his work, 12:02:07 18 as part of work. 12:02:11 19 Q. So the breathing exercise is 12:02:11 20 only done -- forgive me if I asked 21 this -- the breathing exercise is only 12:02:14 22 done if the model appears to be nervous 12:02:15 23 or shy or is having a tough time, 12:02:17 24 correct? 12:02:20 25 A. There is no rule to it, you 12:02:20</p> <p style="text-align: right;">Page 118</p>	<p>1 A. Because even if it's just a 12:03:19 2 gift for somebody, you want to do the 12:03:21 3 best that you can. And I felt that my 12:03:23 4 mind wasn't really into it, you know, as 12:03:26 5 it should have been. And I really felt 12:03:31 6 that, I wished that I had had my hair and 12:03:33 7 my makeup person there and I wish I had 12:03:36 8 had a stylist. It would have really 12:03:38 9 helped me. 12:03:40 10 Q. So we mentioned or we discussed 12:03:40 11 earlier that the first time you viewed 12:03:42 12 photographs of Mr. Boyce you didn't think 12:03:44 13 his look was right; is that correct? Did 12:03:47 14 I correctly phrase it? 12:03:49 15 A. That's right. 12:03:49 16 Q. You phrased it differently. 12:03:51 17 I'll just say you didn't think his look 12:03:56 18 was correct, right? 12:03:59 19 A. That's right. 12:04:00 20 Q. Then you said after meeting him 12:04:01 21 in front of Tiffany's, you liked him 12:04:02 22 more, you like his look more? 12:04:04 23 A. Well, I was getting to know the 12:04:05 24 person, so I liked him more. 12:04:07 25 Q. But is it fair -- I believe you 12:04:08</p> <p style="text-align: right;">Page 120</p>
<p>1 know. Sometimes you will have a person 12:02:22 2 who is very much at ease about it. But 12:02:25 3 then they will say, oh, I go to yoga, do 12:02:31 4 you mind if I do something myself, you 12:02:34 5 know. 12:02:36 6 Q. More of an instinct thing for 12:02:39 7 you. No specific rule of when you need 12:02:40 8 the breathing exercise, it's when you 12:02:43 9 know a breathing exercise might help; is 12:02:44 10 that correct? 12:02:46 11 A. Yes, I guess so. 12:02:47 12 Q. I know you marked that these 12:02:48 13 were the ones that you liked. Did you 12:02:54 14 actually like these portraits of 12:02:55 15 Mr. Boyce? 12:02:58 16 MS. WEINTRAUB: Objection. 12:03:00 17 A. I was a little disappointed in 12:03:01 18 my pictures. 12:03:05 19 Q. Were you disappointed -- so 12:03:06 20 your phrasing disappointed in your 12:03:08 21 pictures. Were you disappointed in 12:03:10 22 Mr. Boyce as a model or disappointed in 12:03:13 23 yourself as a photographer? 12:03:15 24 A. Myself as a photographer. 12:03:17 25 Q. Why is that? 12:03:18</p> <p style="text-align: right;">Page 119</p>	<p>1 said, and correct me if I'm misstating, 12:04:08 2 that after the meeting at Tiffany's you 12:04:10 3 thought he looked less like the German 12:04:13 4 soldier that you referenced earlier; is 12:04:15 5 that correct? 12:04:17 6 MS. WEINTRAUB: Objection. 12:04:17 7 Objection. 12:04:18 8 Q. You can answer. 12:04:19 9 A. Well, I mean, I don't remember 12:04:20 10 that clearly what I said. But later on I 12:04:22 11 remember telling him that I said to him, 12:04:25 12 because I had just been to Norway, and I 12:04:29 13 said you remind me of a Norwegian 12:04:31 14 fisherman. I went to the Thor Heyerdahl 12:04:35 15 museum, and I think that's a great 12:04:38 16 compliment to give somebody. 12:04:40 17 Q. Is that after Tiffany's or the 12:04:41 18 portrait session that you said that to 12:04:43 19 him? 12:04:45 20 A. The portrait session. 12:04:46 21 Q. That leads me to my next 12:04:46 22 question. After the portrait session, 12:04:48 23 after having done an actual photograph 12:04:50 24 session with Mr. Boyce, what did you 12:04:51 25 think of his look? 12:04:53</p> <p style="text-align: right;">Page 121</p>

1 that she remembered us and liked us a 13:36:47	1 send our favorite people. That would go 13:39:00
2 lot, because I did two shootings there. 13:36:49	2 to Sam Shahid and he would pick his 13:39:04
3 Two separate shootings there. 13:36:51	3 favorite people from that. And the 13:39:08
4 Q. So I want to talk specifically 13:36:53	4 reason I don't know very much about Jake 13:39:10
5 about this A&F 2009 shoot. 13:36:58	5 is that he was chosen in a different way. 13:39:12
6 A. Okay. 13:37:02	6 Q. Okay. We'll get to that in a 13:39:15
7 Q. What was your role at that 13:37:03	7 second. But I want to just make sure I 13:39:17
8 shoot? 13:37:04	8 understand the process here. 13:39:19
9 A. Photographer. 13:37:04	9 A. Okay. 13:39:20
10 Q. What did being the photographer 13:37:07	10 Q. So let's go back a little bit. 13:39:21
11 at the shoot entail? 13:37:12	11 Abercrombie & Fitch informs you that they 13:39:24
12 A. It entails taking a certain 13:37:13	12 are hiring you for the A&F spring/summer 13:39:26
13 number of pictures so that Abercrombie & 13:37:16	13 2009 kids shoot, correct? 13:39:30
14 Fitch would have a large group of 13:37:21	14 A. Right. 13:39:32
15 pictures to choose from for their store 13:37:22	15 Q. I imagine there is some sort of 13:39:33
16 advertisements or, you know, things like 13:37:26	16 contract between you and A&F, correct? 13:39:35
17 that. 13:37:29	17 A. Yes. 13:39:36
18 Q. Who decided which models were 13:37:29	18 Q. Okay. When does that happen? 13:39:37
19 invited to the shoot? 13:37:31	19 How long before the shoot do you engage, 13:39:41
20 A. Well, the final choice for a 13:37:32	20 do you know you're going to be doing that 13:39:44
21 model is, was always made by Mike 13:37:44	21 shoot? 13:39:45
22 Jeffries, like it is with Ralph Lauren, 13:37:48	22 A. You know, maybe a month or so. 13:39:46
23 Ralph. It wasn't like such a formal 13:37:50	23 Q. Okay. Within that month, do 13:39:47
24 thing as an invitation. They would say 13:37:54	24 you then hold or do you or Little Bear 13:39:49
25 you got the booking. You got the job. 13:37:57	25 then hold a casting to decide who you are 13:39:52
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1 And then, you know. But that was all 13:37:59	1 going to be suggesting should be invited 13:39:56
2 done not with me or my casting people. 13:38:01	2 to the shoot? 13:39:58
3 It was done for this for Abercrombie. 13:38:05	3 A. We hold a casting with the 13:39:58
4 Q. I am going to break this down a 13:38:09	4 people from Abercrombie. 13:40:01
5 little bit. Right now I am not 13:38:10	5 Q. Okay. 13:40:02
6 discussing which photographs are selected 13:38:12	6 A. In New York City. 13:40:02
7 for the actual campaign. 13:38:13	7 Q. Understood. So then you, and 13:40:03
8 A. Okay. 13:38:14	8 when we say we, it's you and Little Bear, 13:40:05
9 Q. I am talking about which models 13:38:15	9 correct? 13:40:07
10 actually got to go to the campaign, okay? 13:38:17	10 A. Yes. 13:40:07
11 A. Okay. 13:38:19	11 Q. So then you and Little Bear in 13:40:08
12 Q. All right. So who was in 13:38:20	12 connection with Abercrombie hold a 13:40:10
13 charge of selecting which models are 13:38:21	13 casting that's prior to the shoot? 13:40:12
14 invited to the campaign? 13:38:24	14 A. Yes. 13:40:14
15 A. Well, the models that were 13:38:25	15 Q. Right? 13:40:15
16 asked to go to the campaign -- 13:38:35	16 A. Yes. And they have a casting 13:40:15
17 Q. Yes. 13:38:37	17 person, a guy and a girl, who traveled 13:40:18
18 A. -- and got the job was Mike 13:38:38	18 pretty much all over the world who were 13:40:22
19 Jeffries and Abercrombie & Fitch. 13:38:40	19 constantly doing castings for their 13:40:24
20 Q. Okay. So do you, Bruce Weber, 13:38:42	20 shoot. 13:40:26
21 have any role in deciding which models 13:38:44	21 Q. Okay. Are you present at the 13:40:27
22 are invited to show up to the 2009 13:38:47	22 casting typically? 13:40:28
23 Abercrombie & Fitch spring/summer shoot? 13:38:52	23 A. No. 13:40:30
24 A. The only role I have is to 13:38:53	24 Q. Are there other people taking 13:40:31
25 suggest when we do a casting, we would 13:38:56	25 photographs at the casting? 13:40:35
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1 A. Yes. 13:40:36	1 who was crashing the casting? 13:42:18
2 Q. Who was taking photographs at 13:40:36	2 A. I would only know that from the 13:42:20
3 the casting? 13:40:38	3 people that I know that from the casting. 13:42:21
4 A. The people that work for 13:40:39	4 Like so and so brought their best friend 13:42:23
5 Shahid & Company, he's the art director. 13:40:40	5 or somebody brought their girlfriend, you 13:42:26
6 And then there is one or two guys from 13:40:43	6 know. 13:42:28
7 Abercrombie. And then my casting people 13:40:45	7 Q. I understand that you made a 13:42:28
8 Gwen and Dawn. 13:40:51	8 difference between a party. Is there an 13:42:30
9 Q. Who decides who is invited to 13:40:52	9 invitation process so that a model can 13:42:33
10 the casting? 13:40:54	10 come to this casting? 13:42:35
11 A. You make it sound like a party. 13:40:55	11 A. No, it's not like that, like 13:42:36
12 There's not an invitation. It's like a 13:41:04	12 you're -- there is no invitational 13:42:37
13 job interview and you get the job and you 13:41:06	13 situation. What's really important to 13:42:40
14 either got it or you don't, you know. 13:41:07	14 know is that your agency, you get a sheet 13:42:42
15 Q. My question is, can any model 13:41:09	15 saying we want to see these ten people 13:42:49
16 in New York City just show up to this 13:41:11	16 that are with you. It's very 13:42:52
17 casting? 13:41:13	17 businesslike. 13:42:54
18 A. No. 13:41:13	18 Q. So the agency gets a call sheet 13:42:56
19 Q. Okay. Is there some sort of 13:41:14	19 with a list of ten people that they 13:42:58
20 vetting process? What restricts any 13:41:17	20 represent that are not invited but would 13:43:00
21 model from going to this casting? 13:41:20	21 like to be seen at the casting call, 13:43:01
22 MS. WEINTRAUB: Objection. When 13:41:21	22 correct? 13:43:04
23 you say this casting, are you 13:41:22	23 A. Right. 13:43:04
24 referring specifically to the 13:41:24	24 Q. Who is in charge of creating 13:43:07
25 casting -- 13:41:27	25 that list that is sent to the agency of 13:43:08
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1 MR. FUDALI: I have been 13:41:27	1 those ten or so models? 13:43:11
2 specifically referring to the casting 13:41:28	2 A. I think it's different with 13:43:12
3 of the A&F 2009 shoot. 13:41:30	3 everybody. 13:43:16
4 A. There is not anything that you 13:41:31	4 Q. Are there occasions when you 13:43:17
5 could stop somebody -- sometimes people 13:41:34	5 would create a list of the models that 13:43:19
6 would crash it, you know. And also, you 13:41:36	6 you thought would be good for a certain 13:43:21
7 know, we had to turn in about 500 13:41:43	7 shoot to send to the agency to send those 13:43:22
8 photographs of different people to Mike 13:41:45	8 models to the casting? 13:43:25
9 Jeffries to make a choice. 13:41:48	9 A. Well, during the month or so 13:43:26
10 Q. We're talking about before the 13:41:50	10 when we were starting to work on the 13:43:28
11 campaign, before you get to Duxbury? 13:41:53	11 preproduction of the job, I might say 13:43:30
12 A. Yeah. 13:41:55	12 let's use some of these people that we 13:43:32
13 Q. So you and Little Bear have to 13:41:56	13 used before. 13:43:34
14 provide 500 photos to -- 13:41:58	14 Q. Okay. 13:43:36
15 A. Not just me and Little Bear. 13:42:00	15 A. And I would mention their name. 13:43:36
16 All the whole casting situation. 13:42:01	16 Q. I didn't mean to interrupt, 13:43:38
17 Q. The casting situation, which is 13:42:03	17 were you done? 13:43:40
18 you and Little Bear and Sam Shahid and 13:42:04	18 A. No. 13:43:41
19 casting for Abercrombie, have to provide 13:42:06	19 Q. You can continue. 13:43:43
20 500 photos to Mike Jeffries? 13:42:09	20 A. But they never wanted to use 13:43:43
21 A. Approximately, yeah. 13:42:11	21 anybody twice. 13:43:47
22 Q. And you said some people crash 13:42:12	22 Q. You say "they," you're 13:43:49
23 this casting. How would you 13:42:14	23 referring to Abercrombie? 13:43:50
24 differentiate between someone who is 13:42:15	24 A. Yes. 13:43:50
25 supposed to be at the casting and someone 13:42:16	25 Q. So would it have been -- are 13:43:51
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<p>1 there occasions when you would suggest 13:43:56</p> <p>2 that certain models that you thought 13:43:59</p> <p>3 might have a good look be invited to the 13:44:00</p> <p>4 casting? 13:44:02</p> <p>5 A. I might suggest it, yeah. 13:44:03</p> <p>6 Q. And you might suggest that to 13:44:06</p> <p>7 the agency, right, and you would create 13:44:08</p> <p>8 that list of ten to the agency, correct? 13:44:12</p> <p>9 A. Okay. Sure. 13:44:13</p> <p>10 Q. And then the agencies would 13:44:13</p> <p>11 send those models to the casting? 13:44:14</p> <p>12 A. Well, they would have to agree 13:44:16</p> <p>13 with me. 13:44:17</p> <p>14 Q. The agency would have to agree? 13:44:18</p> <p>15 A. Yeah. 13:44:19</p> <p>16 Q. I assume typically agencies 13:44:20</p> <p>17 want their models going to castings, 13:44:21</p> <p>18 correct? 13:44:24</p> <p>19 A. Not so much the agency, that 13:44:24</p> <p>20 agency. I am talking about Sam's agency. 13:44:27</p> <p>21 The art director's agency. They work as 13:44:29</p> <p>22 an advertising agency. 13:44:33</p> <p>23 Q. Sam Shahid is the art director 13:44:34</p> <p>24 of a company, correct? 13:44:36</p> <p>25 A. Of a company and he was 13:44:37</p> <p style="text-align: right;">Page 178</p>	<p>1 specific model come to a casting? 13:45:30</p> <p>2 A. Sure. 13:45:33</p> <p>3 Q. Okay. Now, while we're here, 13:45:34</p> <p>4 let's keep on this. Was there anything 13:45:42</p> <p>5 different about the 2009 Abercrombie & 13:45:43</p> <p>6 Fitch campaign as compared to most other 13:45:46</p> <p>7 campaigns of the sort? 13:45:49</p> <p>8 MS. WEINTRAUB: Objection. 13:45:50</p> <p>9 A. No. 13:45:51</p> <p>10 Q. So you find out about the 13:45:51</p> <p>11 shoot. You're hired to be the 13:46:01</p> <p>12 photographer of the shoot. You probably 13:46:02</p> <p>13 find out that Sam Shahid is going to be 13:46:04</p> <p>14 the art director? 13:46:07</p> <p>15 A. Right. 13:46:08</p> <p>16 Q. You may suggest models. Other 13:46:09</p> <p>17 people may suggest models. Eventually 13:46:13</p> <p>18 models are sent to the casting, correct? 13:46:15</p> <p>19 A. Yes. 13:46:17</p> <p>20 Q. And that casting happens 13:46:17</p> <p>21 sometime before the actual shoot? 13:46:18</p> <p>22 A. Exactly. 13:46:20</p> <p>23 Q. Okay. Now it's your testimony 13:46:20</p> <p>24 that you do not go to those castings? 13:46:22</p> <p>25 A. I don't go to the castings. 13:46:23</p> <p style="text-align: right;">Page 180</p>
<p>1 employed, freelance to work for 13:44:39</p> <p>2 Abercrombie & Fitch. 13:44:43</p> <p>3 Q. So often you and Mr. Shahid 13:44:43</p> <p>4 would work together along with the 13:44:45</p> <p>5 casting department from Abercrombie & 13:44:47</p> <p>6 Fitch? 13:44:49</p> <p>7 A. Right. 13:44:49</p> <p>8 Q. Okay. My basic question here 13:44:49</p> <p>9 is are there occasions when you yourself 13:44:55</p> <p>10 would select certain models to be invited 13:44:57</p> <p>11 to the casting? I understand there is 13:44:59</p> <p>12 another process after that, but are there 13:45:01</p> <p>13 times that you would say I would like to 13:45:03</p> <p>14 invite this model to the casting? 13:45:04</p> <p>15 A. I wouldn't say invite. I would 13:45:06</p> <p>16 say is so and so available for a casting. 13:45:07</p> <p>17 Q. Is there a time that you would 13:45:13</p> <p>18 inform the agency that a specific model 13:45:15</p> <p>19 might be right for a casting? 13:45:16</p> <p>20 A. Yeah, I might say it. It 13:45:18</p> <p>21 doesn't mean they are necessarily booked. 13:45:21</p> <p>22 Q. I understand there are other 13:45:23</p> <p>23 approval processes with Sam Shahid and 13:45:24</p> <p>24 Mike Jeffries. My question is, are there 13:45:26</p> <p>25 times that you would suggest that a 13:45:29</p> <p style="text-align: right;">Page 179</p>	<p>1 Q. Do you review the photographs 13:46:25</p> <p>2 that are taken at the castings from your 13:46:28</p> <p>3 team? 13:46:31</p> <p>4 A. Yes, I do review them. But you 13:46:31</p> <p>5 have to understand that I'm only seeing 13:46:34</p> <p>6 like a fourth, a very little bit of the 13:46:36</p> <p>7 total casting. 13:46:40</p> <p>8 Q. So you send some of your 13:46:41</p> <p>9 assistants, some of the other 13:46:42</p> <p>10 photographers at Little Bear; is that 13:46:43</p> <p>11 correct? 13:46:45</p> <p>12 A. Yes. 13:46:45</p> <p>13 Q. To the casting. They take a 13:46:45</p> <p>14 certain amount of photographs. They 13:46:47</p> <p>15 select the best ones that they think and 13:46:49</p> <p>16 they show those to you? 13:46:50</p> <p>17 A. They pretty much show me 13:46:51</p> <p>18 everything. 13:46:55</p> <p>19 Q. You say you're only seeing a 13:46:55</p> <p>20 fourth, you're seeing all of them? 13:46:57</p> <p>21 A. In terms of all the casting 13:46:58</p> <p>22 people. 13:47:00</p> <p>23 Q. You're seeing what the Little 13:47:00</p> <p>24 Bear photographers are taking? 13:47:02</p> <p>25 A. Exactly. 13:47:03</p> <p style="text-align: right;">Page 181</p>

<p>1 Q. And then are you looking at 13:47:04 2 those and then do you narrow those down 13:47:05 3 even more to decide which photos get sent 13:47:08 4 to Mike Jeffries? 13:47:10 5 A. I would like to, but I can't. 13:47:11 6 Q. So no? So you just -- you look 13:47:12 7 at all of them and you say, okay, send 13:47:15 8 them all to Mike Jeffries? 13:47:18 9 A. Yes. 13:47:19 10 Q. Who actually sends the photos 13:47:19 11 to Mike Jeffries? 13:47:21 12 A. Sam Shahid at the agency 13:47:22 13 Shahid & Company. 13:47:25 14 Q. So it's your testimony that 13:47:25 15 then Mike Jeffries looks at 500 or so 13:47:27 16 photographs and he makes the decision as 13:47:31 17 to which 30 or so models are actually 13:47:34 18 invited to the campaign? 13:47:36 19 A. Right. Usually he would call 13:47:37 20 us up after he, Sam would do these 13:47:40 21 amazing boards and he would be able to 13:47:42 22 see the pictures really clearly and he 13:47:44 23 would say there is nobody here. I am 13:47:46 24 bringing ten or 15 people from the store 13:47:49 25 in Hawaii. 13:47:51</p>	<p>1 wouldn't even listen to me. 13:48:38 2 Q. I am gathering from your 13:48:40 3 testimony that it's your statement or 13:48:43 4 your testimony that Mike Jeffries had the 13:48:46 5 ultimate control over which models were 13:48:48 6 invited to the shoot? 13:48:50 7 A. Yes. It's like that for pretty 13:48:51 8 much me and every other photographer for 13:48:53 9 whoever you are working for. 13:48:56 10 Q. And if I am understanding 13:48:59 11 correctly, you would fight for certain 13:49:00 12 models, but you're saying that Mike 13:49:02 13 Jeffries didn't usually take your fight 13:49:03 14 into consideration? 13:49:05 15 A. Yes. And if I fought for 13:49:06 16 somebody, for somebody else that I worked 13:49:08 17 with for many, many years, they would, 13:49:12 18 just because they wanted to be difficult, 13:49:17 19 say no, I don't want to use this person. 13:49:19 20 Q. Are you still in contact with 13:49:22 21 Mr. Jeffries? 13:49:24 22 A. No. 13:49:25 23 Q. When is the last time you spoke 13:49:25 24 to him? 13:49:26 25 A. Oh, gosh, maybe eight years 13:49:27</p>
<p>1 Q. Who would say this? 13:47:52 2 A. Mike. 13:47:53 3 Q. So sometimes Mike would not 13:47:53 4 like any of the models? 13:47:55 5 A. Right. And he would say I'm 13:47:56 6 bringing ten or 15 people to add to this. 13:47:58 7 Q. Did you ever confer with 13:47:59 8 Mr. Jeffries about which models would be 13:48:01 9 selected? 13:48:04 10 A. Well, of course it's my 13:48:04 11 pictures and I care about them and I 13:48:07 12 would try to defend, you know, using a 13:48:08 13 guy or a girl. I mean many times in 13:48:11 14 those days we would have arguments of 13:48:14 15 certain people. 13:48:20 16 Q. Okay. Would you, for lack of a 13:48:20 17 better word, campaign for maybe a certain 13:48:23 18 model that you think would be perfect for 13:48:25 19 the role or the campaign? 13:48:27 20 A. Well, yeah. 13:48:29 21 Q. Campaign was a bad word. Would 13:48:30 22 you fight, for lack of a better word, for 13:48:31 23 a certain model that you thought would be 13:48:34 24 perfect for the campaign? 13:48:36 25 A. Sure. And most of the time he 13:48:37</p>	<p>1 ago. 13:49:29 2 Q. Eight years ago? 13:49:29 3 A. Yeah, maybe more. 13:49:31 4 Q. Was there a falling out? 13:49:31 5 A. Well, I was having a really 13:49:33 6 rough time doing this job. I didn't feel 13:49:36 7 good about it. He was really -- he could 13:49:39 8 be very, very mean to the models when we 13:49:47 9 have a casting session. Let's say we 13:49:50 10 took the 40 or other people would come 13:49:53 11 during the day at the location. And he 13:49:57 12 would want to meet everybody 13:49:59 13 individually. So we would have all of 13:50:02 14 the people from Abercrombie. We would 13:50:05 15 have Sam Shahid's people. And we'd have 13:50:07 16 my casting girls and me. And each of the 13:50:10 17 people that we were lucky to even have 13:50:14 18 anybody would come in -- 13:50:17 19 Q. Is this at a casting call 13:50:19 20 you're saying or at the actual campaign? 13:50:20 21 A. At the campaign. 13:50:21 22 Q. Okay. 13:50:22 23 A. He would, you know, he would 13:50:23 24 call it a casting, but they were already 13:50:24 25 cast. 13:50:26</p>

1 personally. And he did. And he really 13:58:39	1 MS. WEINTRAUB: Objection. 14:00:28
2 liked him. But then nobody else liked 13:58:45	2 A. Yeah. I mean, I don't know 14:00:29
3 him up there so then he didn't use him. 13:58:49	3 what to say about that, you know. I 14:00:34
4 It's all very crazy. 13:58:51	4 mean, you know, if they are pictures, 14:00:38
5 Q. Are you done, I don't -- 13:58:53	5 they may not like their pictures, so it's 14:00:41
6 A. Yes, I am. 13:58:56	6 not so great for them. 14:00:43
7 Q. Are there any -- I have been 13:58:57	7 Q. I understand. Is the exposure 14:00:44
8 using the word "entities." Are there any 13:58:59	8 of being in one of the books that you 14:00:46
9 magazines or fashion houses or any entity 13:59:01	9 create and sell, is that good for a 14:00:48
10 that would hire you that did give you 13:59:04	10 model's career? 14:00:50
11 full control over who would come to the 13:59:07	11 MS. WEINTRAUB: Objection. 14:00:51
12 casting, how the photographs were taken 13:59:09	12 Q. You can answer. 14:00:52
13 and who would ultimately be selected? 13:59:11	13 MS. WEINTRAUB: If he can 14:00:53
14 A. Well, they make you feel that 13:59:13	14 answer. 14:00:53
15 way so you will agree to do the job. In 13:59:14	15 A. Well, yeah, because I really am 14:00:54
16 the end, let's say you're working for 13:59:17	16 proud of my work, and so, I think, yeah, 14:00:59
17 Vogue Magazine, you know, you might say I 13:59:19	17 I would think so, sure. 14:01:01
18 want to photograph this actress. They 13:59:23	18 Q. The same thing for the pieces 14:01:03
19 would say that sounds good, let's think 13:59:26	19 in museums, correct, that were being 14:01:07
20 about it. Do you want to do it, yeah. 13:59:29	20 featured in one of those installations of 14:01:09
21 Are you available, yeah. And then they 13:59:32	21 yours in a museum would be good for a 14:01:11
22 say you can't choose her or you can't 13:59:34	22 model's career, correct? 14:01:13
23 choose him. 13:59:35	23 A. Yes. But can I explain 14:01:14
24 Q. Were there any companies that 13:59:36	24 something? There is somebody that I 14:01:16
25 hired you that actually gave you full 13:59:37	25 photographed for every magazine I have, 14:01:20
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1 authority over the shoot, the campaign, 13:59:38	1 and I photographed him for all of these 14:01:22
2 the selection process? 13:59:40	2 different advertising, people we're 14:01:26
3 A. No, unfortunately. 13:59:40	3 talking about plus some more. And I did 14:01:30
4 Q. Let's talk about your work. I 13:59:47	4 a film on him and a book. And nobody 14:01:32
5 understand that aside from being hired by 13:59:50	5 ever hardly booked him. So it can work 14:01:34
6 companies, you also produce art yourself? 13:59:52	6 both ways. 14:01:38
7 A. I produce books, yes. 13:59:57	7 Q. There are exceptions. But 14:01:38
8 Q. And you have, I don't know if 13:59:58	8 generally -- 14:01:40
9 installation is the right word, in 14:00:00	9 A. Generally, yeah. 14:01:40
10 certain museums? 14:00:03	10 Q. Generally, you would agree that 14:01:41
11 A. Yes. 14:00:03	11 being in one of your produced pieces of 14:01:43
12 Q. Which are displays of your 14:00:04	12 art is good for the model's career? 14:01:45
13 photography, correct? 14:00:06	13 MS. WEINTRAUB: Objection. He 14:01:47
14 A. That's correct. 14:00:07	14 just answered it. 14:01:48
15 Q. And you sell, produce, publish 14:00:08	15 Q. You can answer. 14:01:49
16 and sell books, correct, that you create? 14:00:10	16 MS. WEINTRAUB: If there are 14:01:49
17 A. Yes. 14:00:11	17 ever exceptions. 14:01:50
18 Q. All right. I would imagine 14:00:12	18 MR. FUDALI: That was not the 14:01:51
19 that you have the ultimate authority to 14:00:14	19 question. 14:01:52
20 decide who is featured in those, the art 14:00:16	20 MS. WEINTRAUB: It is the 14:01:52
21 that you create; is that correct? 14:00:19	21 question. 14:01:53
22 A. Of course. 14:00:20	22 Q. Do you understand the question? 14:01:54
23 Q. Is it good for a model's career 14:00:20	23 A. There are exceptions? 14:01:55
24 to be featured in one of the books that 14:00:26	24 Q. No, no. Okay. 14:01:57
25 you create? 14:00:28	25 MR. FUDALI: Jayne, please just 14:01:58
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1 object, because that wasn't the 14:02:00	1 A. Yes. 14:04:21
2 question and then you put that into 14:02:02	2 Q. Do you have, prior to 14:04:22
3 his head and now he's wondering what 14:02:03	3 Mr. Ardolf making allegations against you 14:04:25
4 the question was, and that's exactly 14:02:05	4 in a complaint, did you recall 14:04:27
5 why you're not supposed to do speaking 14:02:06	5 Mr. Ardolf? 14:04:30
6 objections, and it's frustrating that 14:02:08	6 A. Yes. 14:04:30
7 you're doing that because I know you 14:02:10	7 Q. So he's someone that you 14:04:31
8 know better. 14:02:12	8 actually have a memory of? 14:04:32
9 Q. The question was you mentioned 14:02:12	9 A. Yes. 14:04:34
10 there are exceptions. You provided one 14:02:13	10 Q. Do you recall when the first 14:04:34
11 exception where being in a lot of things 14:02:15	11 occasion that you met Mr. Ardolf was? 14:04:38
12 was not necessarily good for a model's 14:02:17	12 A. I met him when he had a go-see 14:04:40
13 career. So my question is, I understand 14:02:19	13 with me in New York City. 14:04:43
14 that there are exceptions, but generally, 14:02:21	14 Q. How did that go-see come about? 14:04:46
15 would you agree that being in one of your 14:02:23	15 Did you invite him to the go-see? 14:04:48
16 produced pieces of art is good for the 14:02:24	16 A. His agent called me and she 14:04:50
17 model's career? 14:02:27	17 said, it was from Click, she said would 14:04:52
18 MS. WEINTRAUB: Objection. 14:02:28	18 you like to see somebody that's new with 14:04:55
19 A. I think it is. As I said, yes. 14:02:29	19 us. I said sure. 14:04:58
20 Q. Thank you. Did you have any 14:02:32	20 Q. Had you seen pictures of 14:04:59
21 interaction with Jacob Madden after the 14:02:53	21 Mr. Ardolf prior to agreeing to see him 14:05:02
22 shoot in Duxbury? 14:02:55	22 at the go-see? 14:05:04
23 A. No. 14:02:57	23 A. She probably sent me a picture. 14:05:05
24 Q. Do you recall who your 14:03:02	24 I don't remember. 14:05:07
25 assistants were on that shoot, in the 14:03:04	25 Q. Who is that agent? 14:05:07
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1 2009 spring/summer at Duxbury? 14:03:08	1 A. Click. 14:05:08
2 A. I would say Jeff Tautrim. 14:03:11	2 Q. Do you remember the name of the 14:05:09
3 Michael Murphy. Maybe to name two. 14:03:13	3 actual agent? 14:05:10
4 Q. Any other that you can recall? 14:03:16	4 A. Yes. Stephanie Grill. 14:05:10
5 A. Chris Domic. He was working 14:03:18	5 Q. And did that go-see take place 14:05:12
6 production, but he was switching onto 14:03:20	6 in New York City? 14:05:30
7 photography at that time. 14:03:22	7 A. Yes, it did. 14:05:31
8 Q. Do you recall who the casting, 14:03:24	8 Q. Do you recall which studio? 14:05:32
9 aside from Mike Jeffries, who was in 14:03:26	9 A. 135 Watts Street. 14:05:33
10 charge of casting for Abercrombie on that 14:03:29	10 Q. Was there any rhyme or reason 14:05:41
11 shoot? 14:03:34	11 as to which studio was selected? 14:05:43
12 A. Bruce Asbury, who headed a lot 14:03:34	12 Available? 14:05:44
13 of the things for the clothes there, him 14:03:36	13 A. No, it's always available. No, 14:05:45
14 and someone else whose name I can't 14:03:38	14 no. Just if I was doing work at 135, 14:05:47
15 remember right now. 14:03:42	15 that's where I do it. Or if I was over 14:05:49
16 Q. Can you spell that name? 14:03:42	16 there at 205 working. 14:05:52
17 A. Asbury. 14:03:43	17 Q. I am going to hand you another 14:05:53
18 Q. A-s-b-u-r-y? 14:03:44	18 composite exhibit that's going to be 14:06:27
19 A. Yes. 14:03:46	19 Plaintiffs' 11. 14:06:28
20 Q. Okay. I want to move on to a 14:03:46	20 (Plaintiffs' Exhibit 11,
21 person by the name of Josh Ardolf. Do 14:04:05	21 Photographs, was so marked for
22 you recall Mr. Ardolf? 14:04:16	22 identification, as of this date.) 14:06:41
23 A. Yes, I do. 14:04:17	23 Q. And if you could just look 14:06:41
24 Q. Do you have an independent 14:04:18	24 through that generally. You don't have 14:06:43
25 recollection of Mr. Ardolf? 14:04:19	25 to go through every photo. 14:06:44
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1 Q. Is that recollection based on 14:10:43	1 ten, 100? 14:12:16
2 the camera that you believe you used, 14:10:46	2 A. No, it was more like 30. 14:12:17
3 like putting two and two together, or do 14:10:48	3 Q. And Mr. Ardolf was one of those 14:12:19
4 you actual have an independent 14:10:50	4 models? 14:12:24
5 recollection of your assistant being 14:10:51	5 A. Yeah. 14:12:24
6 there? 14:10:53	6 Q. Do you specifically recall 14:12:25
7 A. Well, I am looking at the 14:10:53	7 sending Mr. Ardolf's photograph to 14:12:26
8 photographs and I know what this camera, 14:10:56	8 Mr. Roitfield for wanting him for that 14:12:30
9 what the negative or the contact sheet 14:10:58	9 campaign? 14:12:31
10 looks like. 14:11:00	10 A. I liked Josh. I thought he was 14:12:31
11 Q. Understood. So it's your 14:11:01	11 a really personable guy. He had a nice 14:12:35
12 testimony based on the photograph, you 14:11:02	12 disposition. He asked me a lot of 14:12:37
13 can tell that you would have needed an 14:11:04	13 questions, you know. 14:12:39
14 assistant there? 14:11:07	14 Q. Did Ms. Roitfield typically 14:12:43
15 A. Not the whole time. 14:11:08	15 take your suggestions? 14:12:45
16 Q. You don't recall if an 14:11:09	16 A. Sometimes yes, sometimes no. 14:12:46
17 assistant was with you and Mr. Ardolf the 14:11:10	17 Q. Did she give you more deference 14:12:50
18 entire time during that shoot? 14:11:12	18 than say Mike Jeffries or Ralph Lauren? 14:12:52
19 A. I don't know. I don't 14:11:13	19 A. Oh, of course. 14:12:55
20 remember. 14:11:16	20 Q. Where was the French Vogue 14:12:56
21 Q. Do you recall who that 14:11:16	21 shoot in 2011? 14:13:09
22 assistant was? 14:11:17	22 A. In Miami. 14:13:11
23 A. Probably -- no, I don't, I'm 14:11:17	23 Q. Do you recall where? 14:13:12
24 sorry. 14:11:24	24 A. It started at a house there. 14:13:12
25 Q. Okay. Do you recall there 14:11:24	25 But we only did a series of pictures 14:13:15
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1 being a time when you did a French Vogue 14:11:32	1 there. But then we moved to a very small 14:13:17
2 shoot in 2011? 14:11:34	2 beach cottage, you know, down in 14:13:20
3 A. Yes, I remember it. 14:11:35	3 Hollywood. 14:13:23
4 Q. Do you specifically recall that 14:11:40	4 Q. So it started out at your 14:13:24
5 shoot? 14:11:40	5 actual residence? 14:13:25
6 A. Yes, I do. 14:11:40	6 A. Yeah. 14:13:26
7 Q. And did you select Mr. Ardolf 14:11:41	7 Q. Did you have a studio in your 14:13:26
8 for that campaign? 14:11:42	8 residence in South Florida or Florida? 14:13:28
9 A. I sent his picture in to the 14:11:43	9 A. No, because, I don't know, 14:13:32
10 people from French Vogue. 14:11:45	10 you're usually outside or you make a 14:13:34
11 Q. Who at French Vogue did you 14:11:47	11 studio outside, you make a daylight 14:13:37
12 send pictures in to? 14:11:48	12 studio outside, you know. 14:13:38
13 A. To Corrine Roitfield. 14:11:49	13 Q. About how many models were at 14:13:40
14 Q. Corrine Roitfield? 14:11:53	14 that V shoot? 14:13:41
15 A. Yes. 14:11:56	15 A. For French Vogue you mean? 14:13:48
16 Q. R-o-t-f-i-e-l-d? 14:11:59	16 Q. Yes. 14:13:49
17 A. R-o-i-t-f-i-e-l-d. 14:11:59	17 A. Like I told you, about 30. 14:13:51
18 Q. How many models did you submit 14:12:00	18 Q. When we were discussing 14:13:52
19 to Ms. Roitfield? 14:12:03	19 Abercrombie, you mentioned that there 14:13:54
20 A. Well, it was a big shooting. 14:12:04	20 would be a casting in which you and 14:13:56
21 We had a lot of guys in there. I would 14:12:06	21 Little Bear would suggest models, but 14:13:57
22 say probably -- I can't remember how 14:12:08	22 also Sam Shahid would suggest models and 14:14:01
23 many, I'm sorry. 14:12:11	23 Abercrombie itself would suggest models. 14:14:05
24 Q. Could you give me, I don't want 14:12:12	24 Was that also the case for French Vogue 14:14:07
25 you to guess, a ballpark, was it five, 14:12:14	25 or were you the only person suggesting 14:14:09
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<p>1 models for the French Vogue shoot? 14:14:11</p> <p>2 A. Me, my casting girls and 14:14:14</p> <p>3 Corrine. 14:14:16</p> <p>4 Q. So this would be you and Little 14:14:16</p> <p>5 Bear people suggesting models? 14:14:18</p> <p>6 A. And Corrine. 14:14:19</p> <p>7 Q. And Corrine, who was from 14:14:21</p> <p>8 French Vogue? 14:14:23</p> <p>9 A. The head editor of French 14:14:24</p> <p>10 Vogue. 14:14:27</p> <p>11 Q. So she may have suggested 14:14:27</p> <p>12 models as well? 14:14:29</p> <p>13 A. Yes. 14:14:31</p> <p>14 Q. This will be probably addressed 14:14:31</p> <p>15 Monday, but is there anyone structurally 14:14:34</p> <p>16 above you at Little Bear? 14:14:37</p> <p>17 MS. WEINTRAUB: Objection. 14:14:39</p> <p>18 A. Structurally? 14:14:39</p> <p>19 Q. As far as the hierarchy of who 14:14:41</p> <p>20 is in charge at Little Bear, is there 14:14:43</p> <p>21 anybody above Bruce Weber? 14:14:46</p> <p>22 A. Of course. 14:14:49</p> <p>23 Q. Who is above you? 14:14:50</p> <p>24 A. Nan, she's president. I would 14:14:51</p> <p>25 say Nan, definitely. 14:14:56</p> <p style="text-align: right;">Page 210</p>	<p>1 to the side and do solo shots with them? 14:16:04</p> <p>2 A. I really can't remember that, 14:16:10</p> <p>3 but if I had, you know, it would not have 14:16:12</p> <p>4 been by myself. I would have been with 14:16:14</p> <p>5 like a hairdresser or makeup artist and 14:16:16</p> <p>6 stylist. 14:16:18</p> <p>7 Q. Do you recall who the 14:16:19</p> <p>8 hairdresser, makeup artist and stylist 14:16:20</p> <p>9 were at that shoot? 14:16:23</p> <p>10 A. Yeah. It's a Deborah Watson 14:16:24</p> <p>11 was the stylist. 14:16:27</p> <p>12 Q. Okay. Do you recall who the 14:16:29</p> <p>13 hair and makeup person would have been? 14:16:31</p> <p>14 A. Regine Thorre would be the 14:16:33</p> <p>15 makeup person. 14:16:37</p> <p>16 Q. The stylist? 14:16:38</p> <p>17 A. And I would say Thom Priano. 14:16:38</p> <p>18 Q. Thom Priano? 14:16:43</p> <p>19 A. Priano. 14:16:44</p> <p>20 Q. Do you recall who your 14:16:45</p> <p>21 assistants were at that shoot? 14:16:46</p> <p>22 A. I would say Mike Murphy. Jeff. 14:16:47</p> <p>23 By this time Chris was working for me, 14:16:54</p> <p>24 too. Chris Domic, I had given the 14:16:56</p> <p>25 name. 14:16:59</p> <p style="text-align: right;">Page 212</p>
<p>1 Q. Back to French Vogue in 2011, 14:14:57</p> <p>2 it's taking place at your home and then 14:15:04</p> <p>3 you went to a beach cottage, correct? 14:15:05</p> <p>4 A. That's right. 14:15:07</p> <p>5 Q. Do you recall what was going on 14:15:08</p> <p>6 at this shoot, if you recall? 14:15:13</p> <p>7 A. I remember I was photographing 14:15:15</p> <p>8 a really old friend of mine who I had 14:15:19</p> <p>9 photographed for Versace, Ivan, he's a 14:15:21</p> <p>10 big personality in Argentina and he's 14:15:26</p> <p>11 really funny and has a great sense of 14:15:29</p> <p>12 humor and great with people, and it was, 14:15:31</p> <p>13 you know, kind of a shoot about 14:15:33</p> <p>14 camaraderie and friendship between men. 14:15:35</p> <p>15 Q. So I am trying to understand 14:15:39</p> <p>16 what was going on. Were they guys just 14:15:41</p> <p>17 hanging out on the beach, walking around? 14:15:43</p> <p>18 A. You know, they are probably not 14:15:45</p> <p>19 in here. But playing poker and, you 14:15:49</p> <p>20 know, running and exercising. 14:15:52</p> <p>21 Q. So the format was just kind of 14:15:57</p> <p>22 guys hanging out? 14:15:59</p> <p>23 A. Yeah. 14:16:00</p> <p>24 Q. During that photo shoot, that 14:16:00</p> <p>25 campaign shoot, did you take any models 14:16:02</p> <p style="text-align: right;">Page 211</p>	<p>1 Q. Would Nan Bush typically be at 14:16:59</p> <p>2 these type of shoots? 14:17:03</p> <p>3 A. She was there at this one. 14:17:04</p> <p>4 Q. Because it was at your home? 14:17:07</p> <p>5 A. Yes. 14:17:08</p> <p>6 Q. Outside of the ones at your 14:17:09</p> <p>7 home, would she be at? 14:17:10</p> <p>8 A. Sure, sometimes she would come. 14:17:11</p> <p>9 She would usually come and have lunch 14:17:13</p> <p>10 with everybody and then stay for the rest 14:17:15</p> <p>11 of the day. 14:17:16</p> <p>12 Q. And is it your testimony that 14:17:17</p> <p>13 any time you would take a model aside to 14:17:18</p> <p>14 do a solo shoot, if you did in fact do 14:17:22</p> <p>15 that, you would always have someone else 14:17:24</p> <p>16 with you, whether it's an assistant, 14:17:26</p> <p>17 hair, makeup, style? 14:17:29</p> <p>18 A. Well, I would, because a lot of 14:17:30</p> <p>19 these guys need a hairdresser, you know. 14:17:31</p> <p>20 Q. Is it possible that there would 14:17:34</p> <p>21 be a time when you would just grab a 14:17:37</p> <p>22 model, take them aside, take a couple of 14:17:39</p> <p>23 pictures, take them back without the 14:17:41</p> <p>24 necessity of other people with you? 14:17:43</p> <p>25 A. No. 14:17:44</p> <p style="text-align: right;">Page 213</p>

1 photographed once or twice. 15:46:06	1 markings, we discussed earlier that the 15:48:05
2 Q. So Mr. Krueger was actually 15:46:07	2 circle with the squiggly, those are 15:48:07
3 featured prominently in that 2008 15:46:09	3 typically photographs that you liked? 15:48:09
4 campaign? 15:46:12	4 MS. WEINTRAUB: What's the Bates 15:48:10
5 A. Yes. 15:46:12	5 number you are looking at? 15:48:11
6 Q. Which would have been in 2009, 15:46:12	6 MR. FUDALI: Thank you. For the 15:48:12
7 correct? 15:46:14	7 record, 35678 of Exhibit 1. 15:48:13
8 A. I remember very well taking 15:46:14	8 A. Yes. 15:48:19
9 these pictures of him sitting at this 15:46:15	9 Q. So the markings on those 15:48:20
10 desk. We made a little setup which 15:46:17	10 pictures or photographs of Buddy Krueger 15:48:22
11 looked like a room at school. Yes. 15:46:21	11 would have been photos that you liked, 15:48:24
12 Q. Did you build a good rapport 15:46:23	12 correct? 15:48:26
13 with Mr. Krueger? 15:46:25	13 A. Yes. 15:48:26
14 A. I was never really close to 15:46:27	14 Q. Do you send every photograph 15:48:27
15 him. That's why I said it was strange 15:46:33	15 that you take for the AF campaign to Mike 15:48:28
16 that I would get a text or a call from 15:46:34	16 Jeffries or only the ones that you like? 15:48:31
17 him saying, hey, hey, Buddy, that's what 15:46:37	17 A. Only the ones that I like, but 15:48:32
18 he'd say. You know, something like that. 15:46:42	18 then those go to Sam Shahid. He goes 15:48:36
19 I didn't know. That's why I asked him to 15:46:46	19 over and re-edits them. Does his layouts 15:48:40
20 send me the pictures. 15:46:48	20 and then he sends that to Mike Jeffries. 15:48:42
21 But, yeah, I remember him. I 15:46:50	21 Q. Understood. So the process is 15:48:45
22 didn't dislike him or anything, you know. 15:46:52	22 you take a look at all the photographs 15:48:46
23 Q. And you were generally pleased 15:46:54	23 you took. You mark the ones that you 15:48:48
24 or perhaps even more so, more than 15:46:55	24 like? 15:48:51
25 generally pleased with the photographs 15:46:57	25 A. Right. 15:48:52
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1 that you took of him of the AF shoot, 15:46:59	1 Q. Correct? 15:48:54
2 correct? I think you said you think they 15:47:03	2 A. Yes. 15:48:54
3 are beautiful pictures, beautiful shots? 15:47:05	3 Q. Then the next step is you send 15:48:54
4 A. Yes, if I have to say so 15:47:06	4 those to Sam Shahid? 15:48:57
5 myself. 15:47:09	5 A. That's right. 15:48:58
6 Q. And you don't think that of all 15:47:09	6 Q. Sam Shahid edits them? 15:48:58
7 your pictures, correct? 15:47:11	7 A. That's right. 15:49:00
8 A. God no. 15:47:12	8 Q. Does Sam Shahid take certain 15:49:01
9 Q. I think during this deposition 15:47:13	9 photos out? 15:49:03
10 you said you were unhappy with certain 15:47:14	10 A. Sure. 15:49:04
11 pictures? 15:47:16	11 Q. So then there is another 15:49:05
12 A. Definitely. 15:47:16	12 vetting process, if you will, from Sam 15:49:06
13 Q. You were happy with Buddy 15:47:17	13 Shahid? 15:49:08
14 Krueger's pictures in the '08 shoot? 15:47:19	14 A. Yeah. 15:49:09
15 A. Yes, because this is his time. 15:47:22	15 Q. And then Sam Shahid sends the 15:49:09
16 Everybody has a time that they should be 15:47:24	16 photographs then, which might be less 15:49:11
17 photographed, you know. I photographed a 15:47:26	17 than the ones you sent to him, to Mike 15:49:12
18 lot of people, especially for 15:47:29	18 Jeffries, correct? 15:49:15
19 Abercrombie. It was like recording these 15:47:31	19 A. That's right. 15:49:15
20 moments in their life. Yeah, definitely. 15:47:34	20 Q. And then Mike Jeffries makes 15:49:15
21 I think he did really nice pictures. He 15:47:37	21 the final decision? 15:49:16
22 was a really good actor in them. 15:47:39	22 A. That's correct. 15:49:17
23 Q. It looks like there is also 15:47:55	23 Q. So in only sending the 15:49:18
24 some V Magazine pictures in here and some 15:47:57	24 photographs that you liked, is it 15:49:19
25 APC '09 pictures also. Again, so, these 15:48:03	25 possible that you could not like a 15:49:20
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<p>1 photograph, any of the photographs you 15:49:22</p> <p>2 took of a specific model? 15:49:23</p> <p>3 A. Of course, yes. 15:49:24</p> <p>4 Q. So it would be possible that 15:49:30</p> <p>5 you could only send photographs of 15:49:31</p> <p>6 certain models to Sam Shahid to then be 15:49:33</p> <p>7 sent to Mike Jeffries? 15:49:36</p> <p>8 A. No, Sam likes to see a good 15:49:38</p> <p>9 selection of each model, even if I don't 15:49:39</p> <p>10 think they are so good. 15:49:42</p> <p>11 Q. There is an attempt on your 15:49:43</p> <p>12 behalf to be as inclusive as possible? 15:49:45</p> <p>13 A. Yeah, yeah. 15:49:47</p> <p>14 Q. There is a scenario where -- 15:49:48</p> <p>15 there could be a scenario where there 15:49:51</p> <p>16 just weren't the right pictures of a 15:49:53</p> <p>17 certain model and that model may be 15:49:54</p> <p>18 excluded to what makes it to Sam Shahid? 15:49:56</p> <p>19 A. That's right. 15:49:59</p> <p>20 Q. How are the pictures sent, is 15:49:59</p> <p>21 it negative, digital, I figure that 15:50:05</p> <p>22 varies? 15:50:08</p> <p>23 A. It was during the time we made 15:50:08</p> <p>24 prints. We made really nice beautiful 15:50:10</p> <p>25 prints. 15:50:12</p> <p style="text-align: right;">Page 278</p>	<p>1 quickly and change their layout. 15:51:00</p> <p>2 Q. At some point with Ralph 15:51:02</p> <p>3 Lauren, the process changed from you only 15:51:04</p> <p>4 sending the photos you liked to the art 15:51:06</p> <p>5 director or to Ralph Lauren to you 15:51:08</p> <p>6 sending everything, correct? 15:51:11</p> <p>7 A. Yes. 15:51:12</p> <p>8 Q. Do you recall when that change 15:51:12</p> <p>9 occurred? 15:51:13</p> <p>10 A. Like that, like the way you 15:51:13</p> <p>11 pointed out. The contact sheet form. 15:51:15</p> <p>12 Q. Like a sheet like Exhibit 1? 15:51:16</p> <p>13 A. Yeah, yeah. Color and black 15:51:18</p> <p>14 and white. 15:51:22</p> <p>15 Q. Do you recall when that change 15:51:22</p> <p>16 occurred, about what year? 15:51:23</p> <p>17 A. Probably -- I can't say. 15:51:24</p> <p>18 Q. Do you have a rough estimate, 15:51:29</p> <p>19 2000, '95, 2010? 15:51:30</p> <p>20 A. No, I think it's later. I 15:51:32</p> <p>21 think it was more like, maybe it was like 15:51:34</p> <p>22 15 years ago. 15:51:40</p> <p>23 Q. What about for Vogue, same 15:51:41</p> <p>24 process, you would only select the photos 15:51:44</p> <p>25 that you liked to the decisionmaker? 15:51:46</p> <p style="text-align: right;">Page 280</p>
<p>1 Q. So do you actually -- how do 15:50:12</p> <p>2 you send them to Sam Shahid though? I 15:50:14</p> <p>3 imagine Sam Shahid making the print 15:50:19</p> <p>4 because you're editing them? 15:50:21</p> <p>5 A. From the lab, from the lab that 15:50:21</p> <p>6 I work with. 15:50:22</p> <p>7 Q. Do you actually send him prints 15:50:22</p> <p>8 or do you send him a sheet that looks 15:50:25</p> <p>9 like this? 15:50:26</p> <p>10 A. I send him prints. 15:50:26</p> <p>11 Q. So you take the photos that you 15:50:27</p> <p>12 like, make prints of those and send those 15:50:29</p> <p>13 to him? 15:50:31</p> <p>14 A. Right. 15:50:31</p> <p>15 Q. Got it. 15:50:32</p> <p>16 Is that the same process for 15:50:34</p> <p>17 Ralph Lauren generally? 15:50:35</p> <p>18 A. It used to be like that. And 15:50:41</p> <p>19 then the art directors wanted to see 15:50:43</p> <p>20 everything, because one day Ralph would 15:50:45</p> <p>21 think, oh, I like that girl. No, I don't 15:50:48</p> <p>22 like that girl, I like this girl. I like 15:50:51</p> <p>23 the girl with the short hair. No, no, I 15:50:54</p> <p>24 like the girl with the long hair. So he 15:50:56</p> <p>25 would go crazy. They always had to go 15:50:58</p> <p style="text-align: right;">Page 279</p>	<p>1 A. I would send them to the art 15:51:48</p> <p>2 director and I would send him prints. 15:51:50</p> <p>3 Q. But the same process where you 15:51:52</p> <p>4 would select the photos that you like, 15:51:53</p> <p>5 send those to the art director? 15:51:55</p> <p>6 A. Have prints made, have prints 15:51:56</p> <p>7 made. Then he would show them to the 15:52:00</p> <p>8 editor that worked on the job with me, 15:52:01</p> <p>9 let's say Grace Coddington, and then they 15:52:03</p> <p>10 would also go over it with Anna. And 15:52:07</p> <p>11 then I would talk to Anna. Then I would 15:52:09</p> <p>12 talk to Grace. Then I would talk to 15:52:11</p> <p>13 Raul. It goes on and on. 15:52:13</p> <p>14 Q. It's a process, but 15:52:15</p> <p>15 preliminarily what I am trying to get at, 15:52:16</p> <p>16 for Vogue, much like the Abercrombie & 15:52:18</p> <p>17 Fitch, you would select the photos that 15:52:19</p> <p>18 you liked and those would be the ones 15:52:21</p> <p>19 that get sent to the art director, and 15:52:22</p> <p>20 then the art director would make his cuts 15:52:24</p> <p>21 and edits, correct? 15:52:26</p> <p>22 MS. WEINTRAUB: Objection. 15:52:27</p> <p>23 A. Yeah, the same thing for Vogue 15:52:27</p> <p>24 in a way. 15:52:29</p> <p>25 Q. Okay. Got it. 15:52:30</p> <p style="text-align: right;">Page 281</p>

1 A. They are beautiful, aren't 16:41:51	1 yourself? 16:43:10
2 they? 16:41:53	2 A. Well, can I have a second to 16:43:10
3 Q. I will agree. 16:41:53	3 read it? 16:43:12
4 Is that your bio next to it in 16:41:55	4 Q. Please. 16:43:12
5 your picture? 16:42:00	5 (Witness reviews document.) 16:43:15
6 A. Yes. 16:42:00	6 A. It's wild reading things about 16:43:58
7 Q. Did you write this bio? 16:42:00	7 yourself, isn't it. Yes, it seems all 16:44:01
8 A. No. 16:42:02	8 correct. 16:44:18
9 Q. Who wrote it? 16:42:02	9 Q. It seems -- there is nothing 16:44:19
10 A. I think maybe, probably maybe 16:42:03	10 untrue in that bio? 16:44:21
11 Nathan Kilcer, who works for me. 16:42:07	11 A. Not that I can say. 16:44:22
12 Q. What is Nathan Kilcer's 16:42:09	12 Q. Okay. Thank you. So I know we 16:44:24
13 position? 16:42:12	13 went over all six plaintiffs. But I just 16:44:42
14 A. He's in the archival 16:42:12	14 want to confirm some things and I'm sure 16:44:46
15 department. 16:42:14	15 your attorneys will object if I already 16:44:48
16 Q. Does he also handle your social 16:42:15	16 asked this. But I'm just going to go 16:44:50
17 media? 16:42:16	17 through it. 16:44:52
18 A. No, but, you know, it's like 16:42:16	18 Was there ever a time when you 16:44:55
19 one of those things where we probably 16:42:18	19 were alone doing a photograph session 16:45:04
20 asked him to write it. 16:42:20	20 with Jason Boyce? 16:45:07
21 Q. While I'm on it, do you run 16:42:21	21 A. No, I wasn't alone when I was 16:45:08
22 your own Instagram account? 16:42:23	22 taking his picture. 16:45:15
23 A. Yes, I do. 16:42:24	23 Q. Can you tell us with 16:45:17
24 Q. You write all of the captions 16:42:25	24 specificity who was with you during the 16:45:20
25 and you post all of the pictures 16:42:26	25 times that you were taking a picture of 16:45:21
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1 yourself? 16:42:28	1 Jason Boyce? 16:45:23
2 A. Yes, mm-mmm. 16:42:28	2 A. You're talking about all these 16:45:24
3 Q. Do you have a Twitter account? 16:42:29	3 pictures here? 16:45:25
4 A. No. 16:42:30	4 Q. Jason Boyce, not Van Oijen. 16:45:26
5 Q. Facebook? 16:42:31	5 Were you thinking about Van Oijen? 16:45:29
6 A. No. 16:42:32	6 A. I was. 16:45:30
7 Q. Any other social media besides 16:42:35	7 Q. I will reask the question. 16:45:31
8 Instagram and Vimeo? 16:42:37	8 Was there ever a time, and I 16:45:33
9 A. Well, I didn't even know about 16:42:39	9 believe you only shot Mr. Boyce once? 16:45:35
10 this Vimeo thing. 16:42:41	10 A. That's correct. 16:45:37
11 Q. To your knowledge, are you on 16:42:42	11 Q. Any time in that photography 16:45:37
12 any other social media accounts, apps? 16:42:43	12 session were you alone with Mr. Boyce? 16:45:39
13 A. Well, I have like a website, 16:42:48	13 A. It would be like as if, no, 16:45:41
14 something like that. 16:42:49	14 because it would be like me taking the 16:45:46
15 Q. Like a Bruce Weber.com? 16:42:50	15 picture here, and mostly this wall 16:45:50
16 A. Yeah. 16:42:52	16 wouldn't be here. 16:45:51
17 Q. Got it. Did you approve this 16:42:52	17 Q. And I believe when you answered 16:45:53
18 bio? 16:42:55	18 this question previously, I think you 16:45:55
19 A. Yes, I did. I mean, I am not 16:42:56	19 said someone would have been here or 16:45:57
20 into doing these kind of things. I 16:43:00	20 might have been there. Can you state 16:45:59
21 probably didn't even really want to do 16:43:03	21 with certainty who was there during the 16:46:01
22 it, but, yeah, I mean I know I have to 16:43:05	22 Jason Boyce photography session? 16:46:03
23 so... 16:43:07	23 MS. WEINTRAUB: Objection. 16:46:04
24 Q. Is there anything in this bio 16:43:07	24 Q. You can answer. 16:46:04
25 that you would say is untrue about 16:43:09	25 A. I think it was Jeanine would be 16:46:05
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<p>1 to you. I will hand it to your counsel 16:54:07</p> <p>2 first, thank you. 16:54:09</p> <p>3 It's highlighted. The New York 16:54:14</p> <p>4 Times quotes a statement from you in this 16:54:27</p> <p>5 article. Do you recall giving the New 16:54:28</p> <p>6 York Times a statement? 16:54:30</p> <p>7 (Witness reviews document.) 16:54:37</p> <p>8 A. Yes, I do. 16:54:38</p> <p>9 Q. Okay. And is the statement 16:54:40</p> <p>10 that is highlighted there on Exhibit 21, 16:54:42</p> <p>11 it looks like the last page of Exhibit 16:54:45</p> <p>12 21, is that the statement that you gave 16:54:47</p> <p>13 the New York Times? 16:54:48</p> <p>14 A. What you have underlined here? 16:54:49</p> <p>15 Q. What's highlighted, yes. 16:54:53</p> <p>16 A. Yeah. 16:54:56</p> <p>17 Q. And I will read it out loud so 16:54:57</p> <p>18 we have a clean record. 16:54:58</p> <p>19 A. Sure. 16:55:00</p> <p>20 Q. If you don't mind. "I have 16:55:00</p> <p>21 used common breathing exercises and 16:55:02</p> <p>22 professionally photographed thousands of 16:55:04</p> <p>23 nude models over my career but never 16:55:06</p> <p>24 touched anyone inappropriately. Given my 16:55:09</p> <p>25 life's work, these twisted and untrue 16:55:10</p> <p style="text-align: right;">Page 318</p>	<p>1 LBBW 35772, which are photographs from a 17:31:02</p> <p>2 Vogue shoot in 2011 of Josh Ardolf. If 17:31:08</p> <p>3 you could please look at the photographs 17:31:15</p> <p>4 in the top right corner and the one below 17:31:16</p> <p>5 it. Do you see those? 17:31:19</p> <p>6 A. Sure. 17:31:22</p> <p>7 Q. And would you agree that those 17:31:24</p> <p>8 are pictures, those are nudes that expose 17:31:25</p> <p>9 the penis of Mr. Ardolf? Do you agree 17:31:27</p> <p>10 that the penis is exposed in those 17:31:32</p> <p>11 photographs? 17:31:34</p> <p>12 A. Yes. But I want to really 17:31:34</p> <p>13 continue saying that just because -- they 17:31:36</p> <p>14 are nude pictures, so it's going to show. 17:31:42</p> <p>15 Q. So when we discussed nude 17:31:43</p> <p>16 photographs for Abercrombie & Fitch 17:31:45</p> <p>17 shoots, you testified that Mike Jeffries 17:31:47</p> <p>18 specifically requested those; is that 17:31:49</p> <p>19 correct? 17:31:50</p> <p>20 A. This is -- 17:31:50</p> <p>21 Q. Exactly, so I am getting to 17:31:53</p> <p>22 that. So the question was that you 17:31:55</p> <p>23 testified that Mike Jeffries would 17:31:58</p> <p>24 specifically request photographs that 17:32:00</p> <p>25 revealed the penis of the model; is that 17:32:02</p> <p style="text-align: right;">Page 320</p>
<p>1 allegations are truly disheartening. I 16:55:13</p> <p>2 have been taking pictures for over 40 16:55:15</p> <p>3 years and have the utmost respect for 16:55:16</p> <p>4 everyone I ever photographed. I would 16:55:18</p> <p>5 never, ever try to hurt anyone or prevent 16:55:20</p> <p>6 someone from succeeding, it's just not my 16:55:23</p> <p>7 character." 16:55:26</p> <p>8 Is that the statement that you 16:55:27</p> <p>9 gave the New York Times? 16:55:28</p> <p>10 A. Yes. 16:55:29</p> <p>11 Q. Is that a true statement? 16:55:30</p> <p>12 A. I wouldn't have given it if it 16:55:32</p> <p>13 wasn't true. 16:55:34</p> <p>14 MR. FUDALI: Let's take a quick 16:55:39</p> <p>15 break. 16:55:40</p> <p>16 THE VIDEOGRAPHER: The time is 16:55:40</p> <p>17 4:58, we are off the record. 16:55:42</p> <p>18 (Off the record.) 17:30:38</p> <p>19 THE VIDEOGRAPHER: The time is 17:30:38</p> <p>20 5:33 p.m., we are on the record. 17:30:48</p> <p>21 Q. Mr. Weber, I am almost done. I 17:30:49</p> <p>22 just have, actually, I believe one more 17:30:52</p> <p>23 area of questions. 17:30:57</p> <p>24 I am going to turn your 17:30:57</p> <p>25 attention to Exhibit 11, Bates number 17:30:58</p> <p style="text-align: right;">Page 319</p>	<p>1 correct? 17:32:04</p> <p>2 A. Yes. 17:32:04</p> <p>3 Q. Was that request also made by 17:32:04</p> <p>4 whoever was in charge of French Vogue? 17:32:06</p> <p>5 A. No, but I knew that they would 17:32:10</p> <p>6 publish them because they have in the 17:32:11</p> <p>7 past. This is Men's French Vogue. 17:32:13</p> <p>8 Q. So Men's French Vogue, would 17:32:17</p> <p>9 the picture that exposed the penis of say 17:32:19</p> <p>10 Josh Ardolf, would you send those 17:32:22</p> <p>11 pictures to French Vogue as part of the 17:32:23</p> <p>12 ones that you were sending them? 17:32:26</p> <p>13 A. I personally would not. 17:32:28</p> <p>14 Q. Would French Vogue request 17:32:30</p> <p>15 them? 17:32:31</p> <p>16 A. Well, I am the one sending the 17:32:31</p> <p>17 prints. I just wouldn't send it. 17:32:36</p> <p>18 Q. Why would you take them if you 17:32:37</p> <p>19 wouldn't use them or send them? 17:32:39</p> <p>20 A. Because I would want to do a 17:32:40</p> <p>21 cropped picture to here that shows that 17:32:42</p> <p>22 he has almost nothing on, you know. And 17:32:43</p> <p>23 also, you're asking me how do you do a 17:32:46</p> <p>24 picture of a nude. I can't explain it to 17:32:48</p> <p>25 you. You just feel it and you do it. 17:32:51</p> <p style="text-align: right;">Page 321</p>

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